

**A REPORT ON PEOPLE UNDER CRIMINAL JUSTICE SUPERVISION
IN ALAMEDA COUNTY**

January 2006



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A REPORT ON PEOPLE UNDER CRIMINAL JUSTICE SUPERVISION IN ALAMEDA COUNTY January 2006

INTRODUCTION

Over the past decade, the number of adults in the US incarcerated by State or Federal authorities grew from 1,585,586 in 1995 to 2,135,901 in 2004, an average increase of 3.4% annually and a period increase of one-third.¹ In California, the prison population has grown over the last 10 years from 135,133 people in prison in 1995 to 163,939 by 2004 for an average of 2.75% annually and a period increase of over 21%.²

One of the realities of this massive increase in incarceration is that “they all come back.”³ Over the last 10 years, the number of adults on parole from State or Federal prisons increased from 679,421 in 1995 to 765,355 in 2004, for an average annual rate of 2.7% and a period increase of 17%.⁴ Following the national pattern, the number of adults on parole in California increased by from 90,450 in 1995, to 110,130 in 2004, for an average annual rate of 2.3% and a period increase of over 21%.⁵ California leads the nation in the number of adults on parole; at the end of 2004 over 14% of people on parole in the US had been released from California prisons.⁶

The unprecedented growth in incarceration and subsequent releases over the past decade have created a number of challenges for communities, not the least of which is how we support the reentry and reintegration of the formerly incarcerated back into our neighborhoods, communities and families. As cities, counties, community-based organizations and residents step up to that challenge, it is critical that they have accurate, up- to-date information about people who are reentering as well as the services and supports they will need for successful reentry and reintegration.

This report includes data and information on parolees under the supervision of the California Department of Corrections and Rehabilitation (CDCR) and adult and juvenile probationers under the active supervision of the Alameda County Probation Department. The tables, charts and maps in this report describe parolee and probationer demographics, domiciles, the offenses that led to their incarceration, and the levels of supervision assigned upon release from custody. Using the CDCR data we will be producing a subsequent report on recidivism of parolees in Alameda County.

This report is one of several resources produced or under development by the Community Safety and Justice Program of Urban Strategies Council. For information on service needs for reentry populations in Alameda County, see the Community Report on Parole and Probation in Alameda County, available online at http://www.urbanstrategies.org/programs/csj/documents/Monthly_Report_12.14.05.pdf.

¹ *Bureau of Justice Statistics Bulletin: Prisoners in 2004*. Washington, DC: Department of Justice, Bureau of Justice Statistics, 2005

² *California Prisoners & Parolees, 2004*. California Department of Corrections, Offender Information Services, 2005

³ J. Travis. *But They All Come Back: Facing the Challenges of Prisoner Reentry*. Washington, DC: Urban Institute Press, 2005

⁴ *Parole and Probation in the US*. Washington, DC: Department of Justice, Bureau of Justice Statistics, 2005

⁵ *California Prisoners & Parolees, 2004*. California Department of Corrections, Offender Information Services, 2005

⁶ *Parole and Probation in the US*. Washington, DC: Department of Justice, Bureau of Justice Statistics, 2005

ABOUT THIS REPORT

We have organized this report into four parts: Part I contains information on parolees under the supervision of the CDCR; Part II contains information on probationers under the supervision of the Alameda County Probation Department; and Part III contains information on juvenile probationers under the supervision of the Alameda County Probation Department. Part IV presents information on juvenile parolees under supervision in Alameda County. In each part of the report, we pose questions of the data and provide a brief statement answering the question, followed by tables and, where appropriate, maps.

As the reader will note, this report focuses on describing the population under supervision, their demographic characteristics, the offenses leading to their incarceration, the locations where they reside and the levels of supervision they are subject to as conditions or parole or probation. The data we have obtained represents a snapshot of the population as of June 1, 2005. From the current CDCR datasets and others we are in the process of obtaining, we plan on conducting additional analyses of recidivism, mobility, employment and other issues of importance to increasing the success of those reentering the community from incarceration.

SOURCES OF DATA

The information in this report was generated from several datasets and reports obtained from state and local corrections agencies and reflect a snapshot as of 1 June 2005. Information about parolees was generated from datasets obtained from the California Department of Corrections and Rehabilitation; information on adult and juvenile probation was obtained from the Alameda County Probation Department's Monthly Statistical Report. Data on juvenile offenders paroled from state institutions were obtained from the Department of Juvenile Justice website. For more information about these agencies, please see Appendix B, Table 1.

About Race/Ethnicity Variables in Parolee Data: CDCR datasets vary in their use of variable codes describing race, ethnicity and national origin. For example, a parolee born in El Salvador may be coded as "Salvadoran" in one database and "Other" in another database. Likewise, the ethnicities and nationalities-of-origin of Asian and Pacific Islander parolees may be coded differently across the datasets,. Whenever possible, race, ethnicity and national origin variables have been recoded to make them more comparable to other data sources, such as the US Census. For some tables, it was necessary to combine data from disaggregated groups (e.g. Chinese, Japanese, Hawaiian and Pilipino) to create new categories; where this occurs, every effort has been made to label the category precisely.

PART I: CALIFORNIA DEPARTMENT OF CORRECTIONS AND REHABILITATION (CDCR) PAROLEES AS OF JUNE 1, 2005

A. NUMBER OF PAROLEES IN ALAMEDA COUNTY

◆ How many parolees were under CDCR supervision in Alameda County as of June 1, 2005?

In Alameda County, **3,462** people were under the parole supervision of the California Department of Corrections and Rehabilitation as of 1 June 2005 (Table 1).

There were **2.38** parolees per 1,000 residents in Alameda County (see Appendix A, Table for county population data).

Table 1: Parolees in Alameda County

Parolees in Alameda County	
Parolees under supervision within Alameda Co.	3,462
Parolees under CDCR supervision who had been committed from Alameda Co.	3,764
Percent of parolees committed from and returned to the County after release	92%

Source: California Department of Corrections and Rehabilitation. Filename: parolee05

◆ How does the number of parolees under CDCR supervision in Alameda County compare with those of Bay Area, state and national jurisdictions?

Among San Francisco Bay Area counties, Alameda County (with 3,462 parolees) was second to Santa Clara County (with 3,794 parolees) in the total number of parolees under supervision. Of the 58 California counties, Alameda County ranked ninth, with Los Angeles County ranking first with 27,132 parolees under supervision (Appendix A, Table II).

In 2001, the most recent year for which nationwide, county-level data are available, Alameda County ranked ninth in the nation in number of people released from prisons and jails conditionally (i.e. on parole or probation) and unconditionally. (Bureau of Justice Statistics, 2004) (Appendix A, Table 3).

The 2.38 parolees per 1,000 residents in Alameda County (Appendix A, Table I and Table II) compares to a high of 5.01 in Kern County and a low of 0.56 in Alpine, El Dorado, Mono, Nevada, and Placer Counties combined⁷.

⁷ These figures are based on *CDCR Parole Counts for Parole Statutes by Parole Region and Units for May 31, 2005* and US Census Population Projections, July 2004.

B. DEMOGRAPHIC CHARACTERISTICS OF PAROLEES IN ALAMEDA COUNTY

❖ What were the demographic characteristics of the parolees under supervision in Alameda County as of June 1, 2005?

❖ What were the ethnic and gender composition of parolees in the county?

The vast majority (90.9%) of parolees under supervision in Alameda County were men. African American men comprised 60.1% of Alameda County parolees (Table 2.)

Table 2: Parolees by Ethnicity and Gender

Parolees by Ethnicity and Gender		
Ethnicity/Gender	Number	Percent
African American	2262	65.6%
Male	2072	60.1%
Female	190	5.5%
White	529	15.3%
Male	457	13.3%
Female	72	2.1%
Latino/a *	512	14.8%
Male	467	13.5%
Female	45	1.3%
Other Ethnicity	74	2.1%
Male	69	2.0%
Female	5	0.1%
Asians & Pacific Islanders	55	1.6%
Male	52	1.5%
Female	3	0.1%
Native American	16	0.5%
Male	16	0.5%
Female	0	--
Total Males	3,133	90.9%
Total Females	315	9.1%
Total for Alameda County	3,448	100%

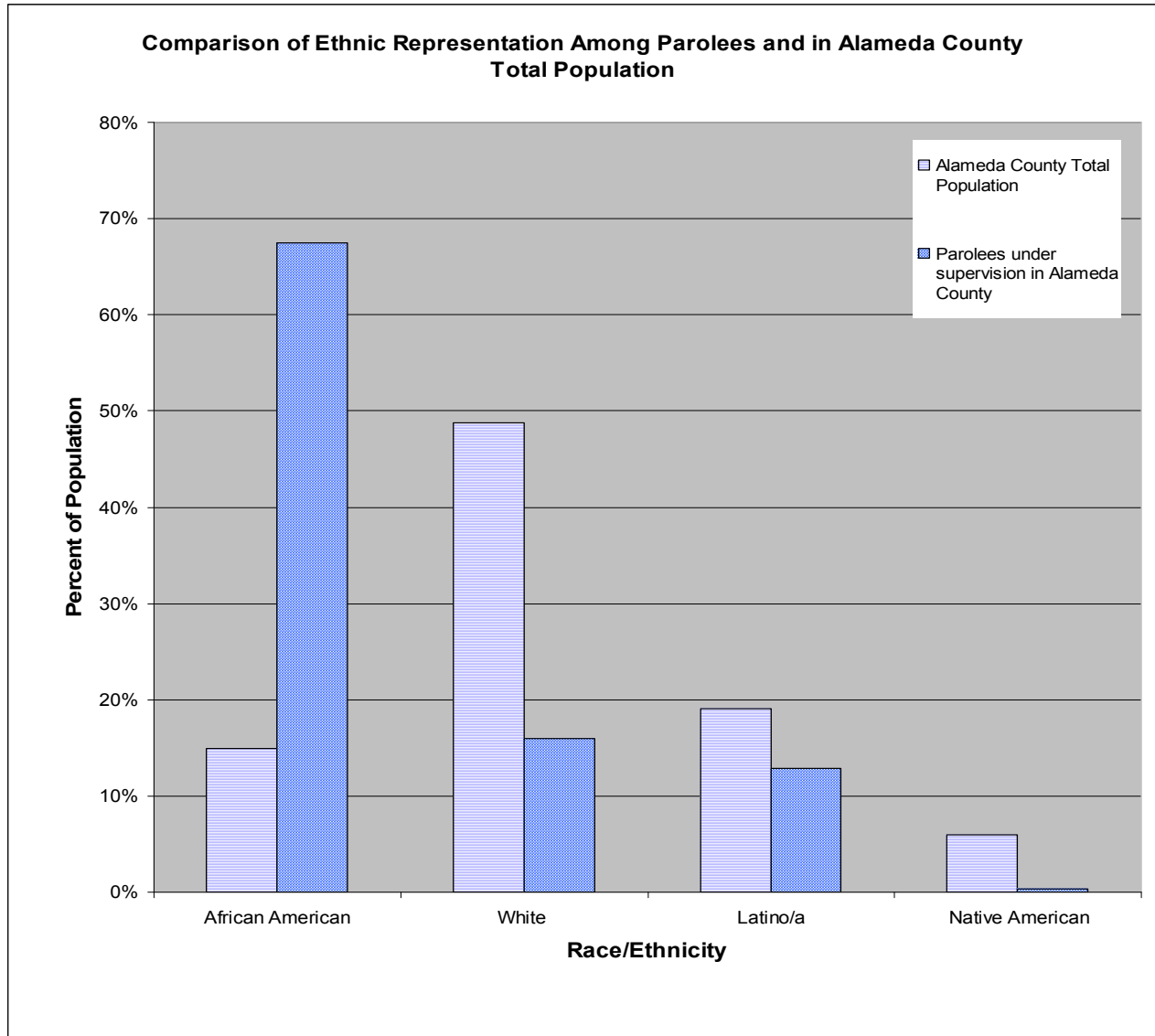
Source: California Department of Corrections and Rehabilitation. Filename: termcase05

Note: The source database used for this table contains no specific category for "Latinos." Totals for Mexicans, Salvadorans, Cubans and Puerto Ricans were combined for this category. In addition, the source database used for this table contains no specific category for "Asian American" or "Pacific Islander." Totals for Chinese, Cambodian, Japanese, Pilipino and Vietnamese parolees were combined for this category.

❖ **How does the ethnic composition of parolees under supervision in Alameda County compare with that of the total population of the county?**

When compared to the ethnic composition of Alameda County (Appendix A, Table IV), African Americans were overrepresented among the parolee population: while they make up less than 15% of the total county population, African American men and women represent 65.6% of all parolees in the county (Chart 1).

Chart 1: Comparison of Ethnic Representation Among Parolees and in Alameda County Total Population



Source: 2000 Census; California Department of Corrections and Rehabilitation. Filename: parolee05.

Note: Because the Census Bureau and the CDCR have differing category definitions for “Asian,” “Pacific Islander,” and “Other,” these ethnic classifications were excluded from this comparison. Also excluded was the category “Two or more races,” which appears in the Census but was not a category used by the CDCR. See Appendix, Table III, for a description of the total Alameda County population by ethnicity.

◆ **What was the average age of parolees under supervision in Alameda County?**

The average age for all parolees under supervision in Alameda County was 36.7 years old. Average age of male parolees was 36.9 years old; for women, 35.8 (Table 3).

Nearly 6 out of 10 (59%) parolees in Alameda County were 39 years old or younger. Among women, the vast majority under supervision (71.9%) were between the ages of 30 and 49 (Table 4 and Chart 4b).

- Table 3 lists average and median ages by ethnicity and gender for parolees under supervision in Alameda County.
- Table 4 presents the age distribution of parolee by ethnicity and gender.
- Chart 4a shows the age distribution for male parolees by ethnicity.
- Chart 4b shows the age distribution for female parolees by ethnicity.

Table 3: Average and Median Ages, by Ethnicity and Gender

Average and Median Ages, by Ethnicity and Gender		
Ethnicity/Gender	Average Age	Median Age
African American	38.9	38.5
Males	38.6	38.1
Females	39.1	38.8
White	39.1	39.8
Males	39.1	38.8
Females	39.1	40.8
Mexican	36.0	36.0
Males	34.5	32.4
Females	37.5	39.5
Other	33.9	33.1
Males	32.0	29.3
Females	35.8	37.0
Chinese, Japanese, Hawaiian and Pilipino	35.5	35.3
Males	39.0	38.6
Females	32.0	32.0
All Male Parolees	36.89	35.84
All Female Parolees	38.58	38.62
All Parolees supervised in Alameda Co.	36.7	38.1

Source: California Department of Corrections and Rehabilitation. Filename: parolee05

Note: "Other" may include parolees of non-categorized Latino/Hispanic (e.g. Salvadorans), Asian and Pacific Islander ethnicities (e.g. Vietnamese, Laotian, etc). In addition, no specific category exists for "Asian American" or "Pacific Islander." Totals for Chinese, Japanese, Hawaiian and Pilipino parolees were combined for this table.

Table 4: Age Distribution by Ethnicity and Gender

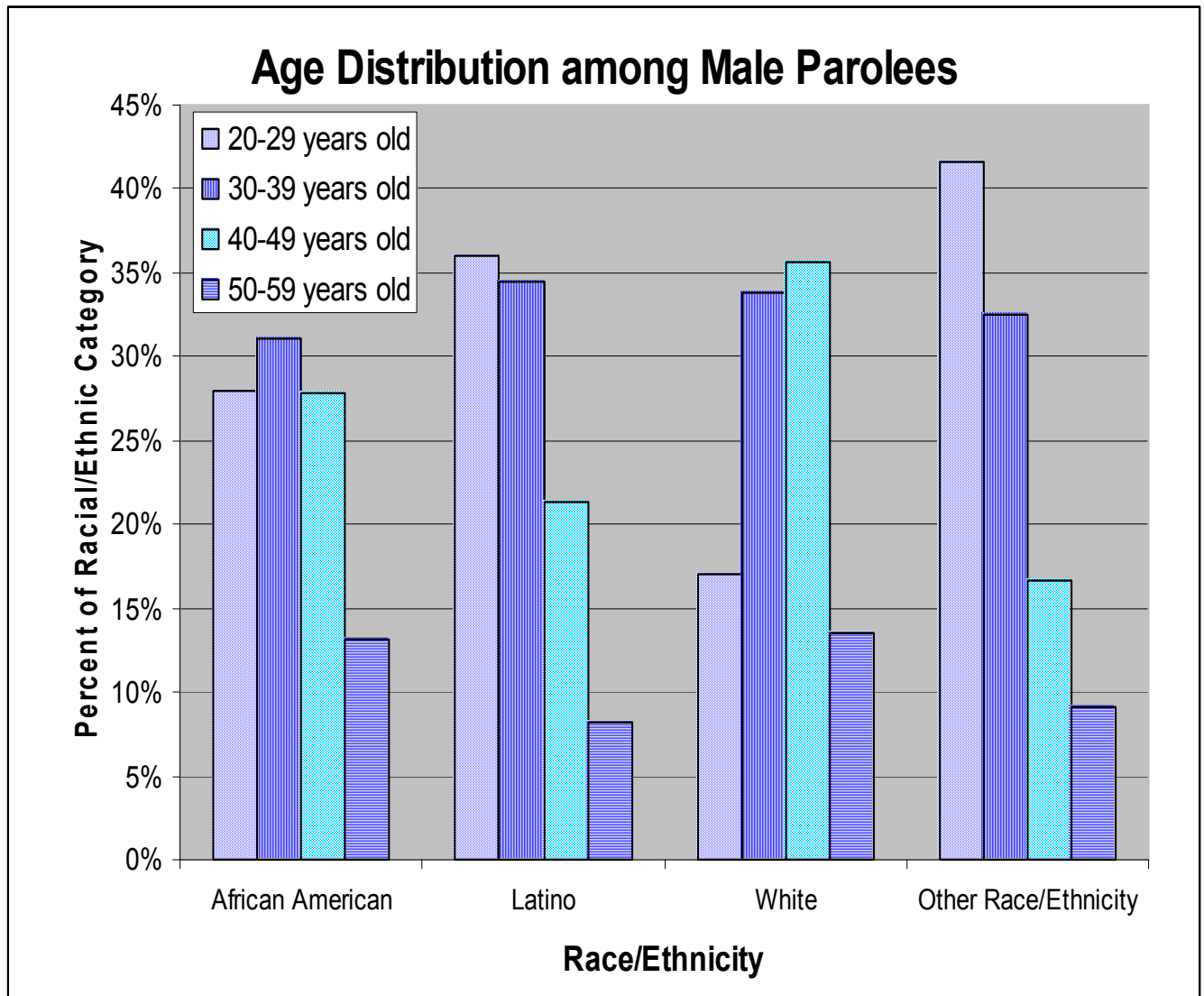
Age Distribution by Ethnicity and Gender																		
Ethnicity/Gender	20-29 years old		30-39 years old		40-49 years old		50-59 years old		60-69 years old		70-79 years old		80+ years old		Missing/ Invalid		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
African Americans	624	26.7%	745	31.9%	659	28.2%	272	11.6%	33	1.4%	3	0.1%	0	0%	1	0%	2,337	100%
	598	27.9%	665	31.1%	595	27.8%	247	11.5%	32	1.5%	3	0.1%	0	0%	1	0%	2,141	100%
	26	13.3%	80	40.8%	64	32.7%	25	12.8%	1	0.5%	0	0%	0	0%	0	0%	196	100%
Mexicans	151	33.9%	152	34.1%	108	24.2%	30	6.7%	5	1.1%	0	0%	0	0%	0	0%	446	100%
	145	36.0%	139	34.5%	86	21.3%	28	6.9%	5	1.2%	0	0%	0	0%	0	0%	403	100%
	6	14.0%	13	30.2%	22	51.2%	2	4.7%	0	0%	0	0%	0	0%	0	0%	43	100%
Whites	99	17.9%	180	32.5%	199	35.9%	62	11.2%	11	2.0%	2	0.4%	1	0.2%	0	0%	554	100%
	82	17.0%	163	33.8%	172	35.7%	53	11.0%	9	1.9%	2	0.4%	1	0.2%	0	0%	482	100%
	17	23.6%	17	23.6%	27	37.5%	9	12.5%	2	2.8%	0	0%	0	0%	0	0%	72	100%
Other	40	47.1%	30	35.3%	10	11.8%	5	5.9%	0	0%	0	0%	0	0%	0	0%	85	100%
	39	48.8%	28	35.0%	8	10.0%	5	6.3%	0	0%	0	0%	0	0%	0	0%	80	100%
	1	20.0%	2	40.0%	2	40.0%	0	0%	0	0%	0	0%	0	0%	0	0%	5	100%
Chinese, Japanese, Hawaiian and Pilipino*	7	25.9%	8	29.6%	8	29.6%	3	11.1%	1	3.7%	0	0%	0	0%	0	0%	27	100%
Native Americans	2	18.2%	4	36.4%	4	36.4%	1	9.1%	0	0%	0	0%	0	0%	0	0%	11	100%
	2	18.2%	4	36.4%	4	36.4%	1	9.1%	0	0%	0	0%	0	0%	0	0%	11	100%
	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	100%
Missing Ethnicity	2	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	2	100%
	2	100%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	2	100%
	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	0%	0	-
Total for Alameda Co.	925	26.7%	1118	32.3%	989	28.6%	376	10.9%	50	1.4%	5	0.1%	1	0%	1	0%	3,462	100%
	873	27.8%	1006	32.0%	873	27.8%	337	10.7%	47	1.5%	5	0.2%	1	0%	1	0%	3,143	100%
	50	15.8%	113	35.6%	115	36.3%	36	11.4%	3	0.9%	0	0%	0	0%	0	0%	317	100%

Table 4

Source: California Department of Corrections and Rehabilitation. Filename: parolee05

Note: "Other" may include parolees of non-categorized Latino/Hispanic (e.g. Salvadoran) , Asian and Pacific Islander ethnicities (e.g. Vietnamese, Laotian, etc). In addition, no specific category exists for "Asian American" or "Pacific Islander." Totals for Chinese, Japanese, Hawaiian and Pilipino parolees were combined for this table.

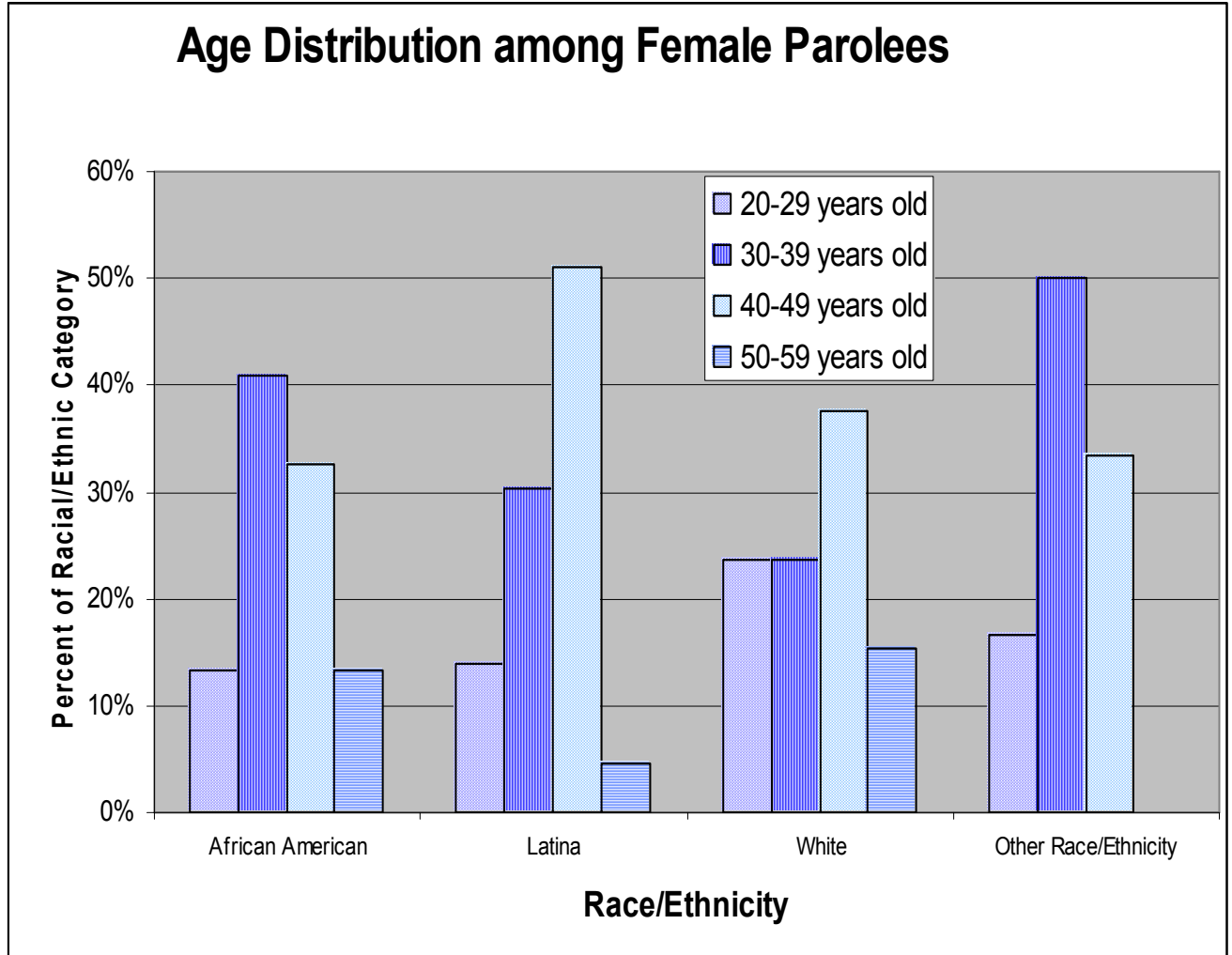
Chart 4a: Age Distribution by Ethnicity, Male Parolees



Source: California Department of Corrections and Rehabilitation. Filename: parolee05

Note: The category "All Other Ethnicities" includes Asians, Pacific Islanders, Native Americans and "Other" ethnicities.

Chart 4b: Age Distribution by Ethnicity, Female Parolees



Source: California Department of Corrections and Rehabilitation. Filename: address

Note: The category “All Other Ethnicities” includes Asians, Pacific Islanders, Native Americans and “Other” ethnicities.

C. PAROLEE DOMICILES

◆ Where do parolees live in Alameda County?

Based on data as of 1 June 2005, the majority (60.5%) of parolees lived in Oakland. Oakland also has the highest concentration of parolees in Alameda County, as measured by the number of parolees per 1,000 residents (Table 5). Specifically, parolees were concentrated in eight Oakland zip codes that correspond with neighborhoods in East Oakland (zip codes 94621 and 94603), Downtown (94612), West Oakland (94607 and 94609), and the San Antonio District (94601).

Hayward was home to 13% of parolees under supervision in Alameda County (Table 6). Cherryland (zip code 94541), an unincorporated area of Hayward, was among Alameda County zip codes that had the highest concentration of parolees per 1,000 residents. Parolees were also concentrated in Ashland, an unincorporated area of San Leandro adjacent to Cherryland (Table 5).

Please go to Appendix A, Map I for a map of Alameda County zip codes.

- Table 5 lists the Alameda County zip codes with the largest ratio of parolees per 1,000 residents.
- Map 1 shows parolee populations in Alameda County by city/zip code.
- Table 6 lists the frequency and percentage of parolees living in Alameda County.

Table 5: Alameda County Zip Codes with the Largest Ratio of Parolees per 1,000 Residents

Alameda County Zip Codes with the Largest Ratio of Parolees per 1,000 Residents			
City	Zip Code	Total Population	Parolees per 1000 Residents
Oakland	94621	30,744	8.59
Oakland	94612	11,700	8.38
Oakland	94607	21,048	5.99
Oakland	94603	31,389	5.16
Oakland	94608	24,572	4.76
Oakland	94605	42,852	4.62
Oakland	94601	54,857	3.92
Oakland	94609	21,093	3.22
Ashland	94578	36,565	2.35
Cherryland	94541	60,254	2.34

Sources: US Census, 2004 Estimated Population; California Department of Corrections and Rehabilitation. Filename: address

Map 1: Parolees Under Supervision in Alameda County, by City

Parolees Under Supervision in Alameda County

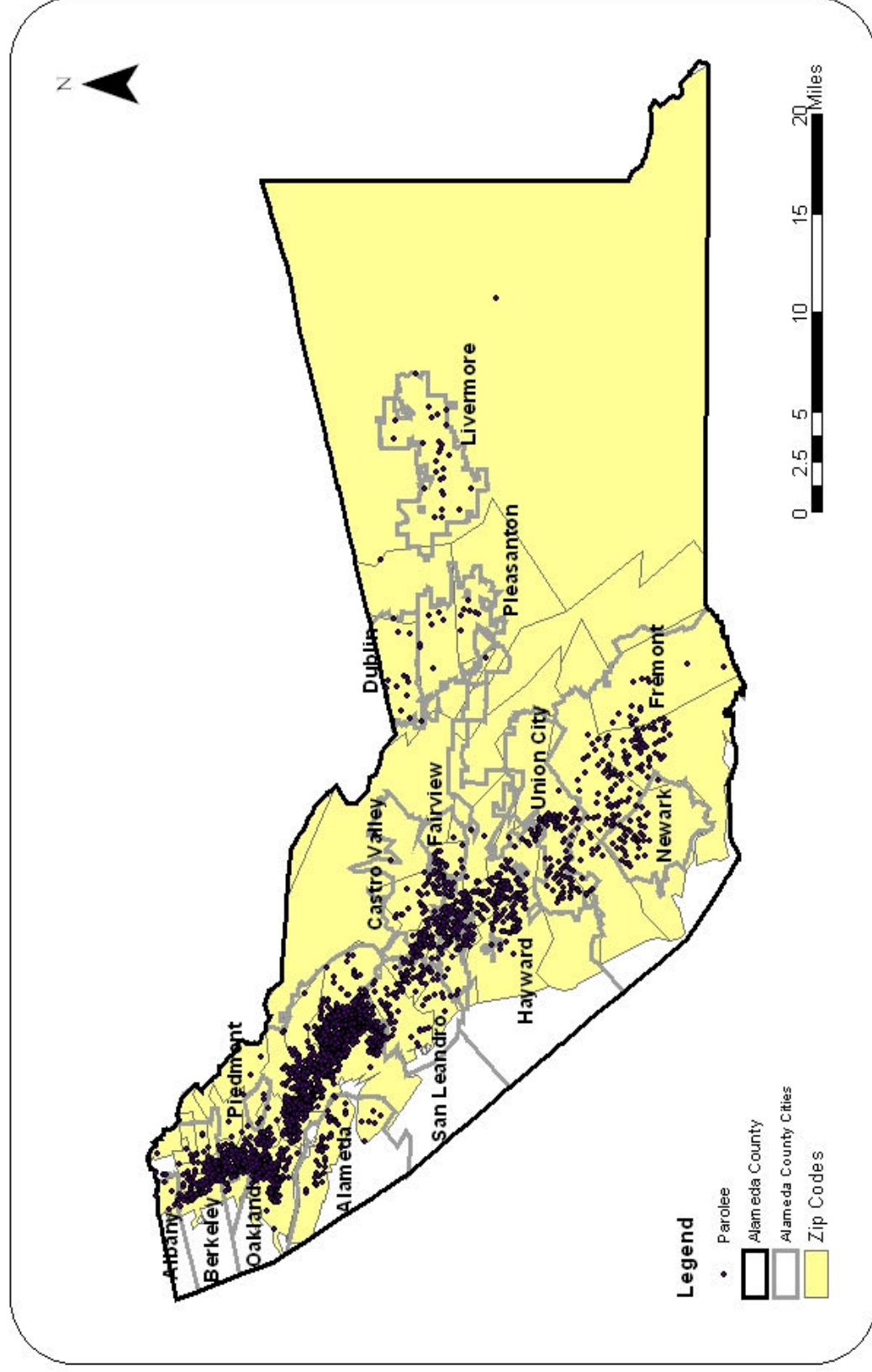


Table 6: Parolees under Supervision by City and Zip Code

Parolees by City and Zip Code			
	n=2,493		
City	Zip	Number	Percent
Alameda	94501-502	47	1.9%
	94501	45	1.8%
	94502	2	0.1%
Berkeley	94702-710	107	4.3%
	94702	29	1.2%
	94703	39	1.6%
	94704	17	0.7%
	94705	4	0.2%
	94706	3	0.1%
	94707	5	0.2%
	94708	1	0.0%
	94709	4	0.2%
	94710	5	0.2%
Castro Valley	94546-552	31	1.2%
	94546	28	1.1%
	94552	3	0.1%
Dublin	94568	12	0.5%
Fremont	94536-555	109	4.4%
	94536	48	1.9%
	94538	44	1.8%
	94539	9	0.4%
	94555	8	0.3%
Hayward	94541-544	323	13.0%
	94541	141	5.7%
	94542	8	0.3%
	94545	38	1.5%
	94552	3	0.1%
	94544	133	5.3%
Livermore	94550-551	30	1.2%
	94550	26	1.0%
	94551	4	0.2%
Newark	94560	27	1.1%

Table 6: Parolees by City and Zip Code *CONTINUED*

Parolees by City and Zip Code <i>CONTINUED</i>			
n=2,493			
City	Zip Code	Number	Percent
Oakland	94601-660	1,508	60.5%
	94601	215	8.6%
	94602	52	2.1%
	94603	162	6.5%
	94604	9	0.4%
	94605	198	7.9%
	94606	94	3.8%
	94607	126	5.1%
	94608	117	4.7%
	94609	68	2.7%
	94610	21	0.8%
	94611	18	0.7%
	94612	98	3.9%
	94613	2	0.1%
	94614	0	0.0%
	94615	0	0.0%
	94618	4	0.2%
	94619	53	2.1%
	94621	264	10.6%
	94625	1	0.0%
	94626	4	0.2%
	94649	1	0.0%
	94660	1	0.0%
Pleasanton	94566-588	13	0.5%
	94566	6	0.2%
	94588	7	0.3%
San Leandro	94577-579	157	6.3%
	94577	58	2.3%
	94578	86	3.4%
	94579	13	0.5%
San Lorenzo	94580	22	0.9%
Union City	94587	55	2.2%

Source: California Department of Corrections and Rehabilitation. Filename: address

D. PAROLEE OFFENSES

◆ What kinds of offenses did these parolees commit?

Less than one-quarter (23.0%) of Alameda County parolees had committed violent offenses (Table 7). The most prevalent violent offense was robbery; over 40% of all parolees and nearly half (47.1%) of African American men under supervision in Alameda County had been convicted of robbery (Table 9). The most common sex offense committed by male parolees was lewd acts with minors (Table 10).

Over one-third (37.9%) of parolees under supervision in Alameda County had been incarcerated for drug crimes (Table 7). Among men of all ethnicities, the most prevalent offense was possession of a controlled substance for sale, accounting for 35.8% of drug offenses committed by male parolees. Over 45% of female parolees convicted of a drug offense had served time for possession of a controlled substance. (Please see Table 12.)

Less than one-third of Alameda County parolees (31.9%) served time for property offenses (Table 7). Nearly 20% (18.4%) of all parolees had been convicted of petty crime with a prior offense. Among male parolees, the most common offense committed was vehicle theft (18.7%); among women parolees, the most prevalent offense was forgery/fraud, which accounted for about 30% of all property offenses committed by women. (Please see Table 11.)

Other offenses accounted for 7.5% of offenses committed by parolees. Of the parolees sentenced to prison for other offenses, about half (49.6%) had been convicted of weapons possession. Over 57% of African American male and 50% of all women parolees incarcerated for other offenses had been convicted of possessing a weapon.

Note: These figures were generated using the last controlling case – that is, the most recent criminal case for which the inmate received the longest or most severe sentence. If the inmate was incarcerated for a single offense, the controlling case refers to the criminal case that resulted in his or her incarceration. If the inmate committed multiple offenses for which he or she was sentenced to consecutive terms, the controlling case was the criminal case that resulted in the sentence for the final term to be served.

- Table 7 lists the types of the offenses committed by parolees currently under supervision in Alameda County.
- Chart 7 describes the types of the offenses committed by parolees currently under supervision in Alameda County.
- Table 8 lists the categories of the offenses committed, by ethnicity and gender.
- Chart 8 lists the categories of the offenses committed, by ethnicity and gender.
- Table 9 shows Homicides, Robberies, Assaults, and Kidnappings Committed by Parolees under supervision in Alameda County, by ethnicity and gender.
- Table 10 lists Sex Offenses Committed, by ethnicity and gender.
- Table 11 displays Property Offenses Committed, by ethnicity and gender.
- Table 12 shows Drug Offenses Committed, by ethnicity and gender.
- Table 13 describes Other Types of Offenses Committed, by ethnicity and gender.

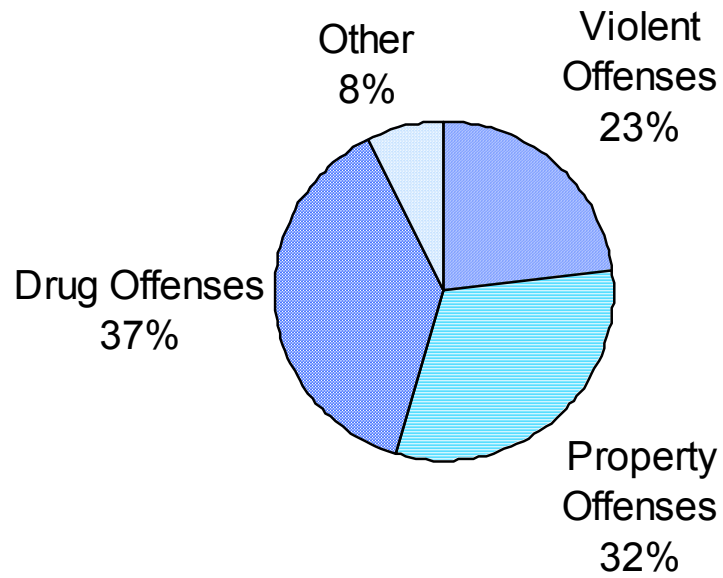
Table 7: Types of Offenses Committed in Most Recent Controlling Case

Types of Offenses Committed in most recent controlling case			
Offense Category/Offense	Number	% of Category	% of Total
Violent Offenses	790	100%	23.0%
Murder - 1st	2	0.3%	0.1%
Murder - 2nd	11	1.4%	0.3%
Manslaughter	57	7.2%	1.7%
Vehicular Manslaughter	11	1.4%	0.3%
Robbery	254	32.2%	7.4%
Assault w/ a Deadly Weapon	149	18.9%	4.3%
Other Assault/Battery	135	17.1%	3.9%
Rape	26	3.3%	0.8%
Lewd Act w/ a Child	64	8.1%	1.9%
Oral Copulation	10	1.3%	0.3%
Sodomy	3	0.4%	0.1%
Penetration w/ an Object	4	0.5%	0.1%
Other Sex Offenses	55	7.0%	1.6%
Kidnapping	9	1.1%	0.3%
Property Offenses	1,095	100%	31.8%
Burglary - 1st	119	10.9%	3.5%
Burglary - 2nd	196	17.9%	5.7%
Grand Theft	143	13.1%	4.1%
Petty Theft w/ Prior	201	18.4%	5.8%
Receiving Stolen Property	109	10.0%	3.2%
Vehicle Theft	186	17.0%	5.4%
Forgery/Fraud	118	10.8%	3.4%
Other Property Offenses	23	2.1%	0.7%
Drug Offenses	1,300	100%	37.7%
Possession	382	29.4%	11.1%
Possession for Sale	464	35.7%	13.5%
Sales	261	20.1%	7.6%
Manufacturing	17	1.3%	0.5%
Other Drug Offenses	18	1.4%	0.5%
Marijuana Possession	21	1.6%	0.6%
Marijuana Possession for Sale	80	6.2%	2.3%
Marijuana for Sale	56	4.3%	1.6%
Other Marijuana Offenses	1	0.1%	0.0%
Other	260	100%	7.5%
Escape	4	1.5%	0.1%
Driving Under the Influence	46	17.7%	1.3%
Arson	11	4.2%	0.3%
Possession of a Weapon	129	49.6%	3.7%
Other Offenses	70	26.9%	2.0%
Missing	3	100%	0.1%
Total for Alameda County	3,448	100%	100%

Source: California Department of Corrections & Rehabilitation. Filename: termcase

Chart 7: Categories of Offenses Committed in Last Controlling Case

Categories of Offenses Committed in Last Controlling Case



Source: California Department of Corrections & Rehabilitation. Filename: termcase

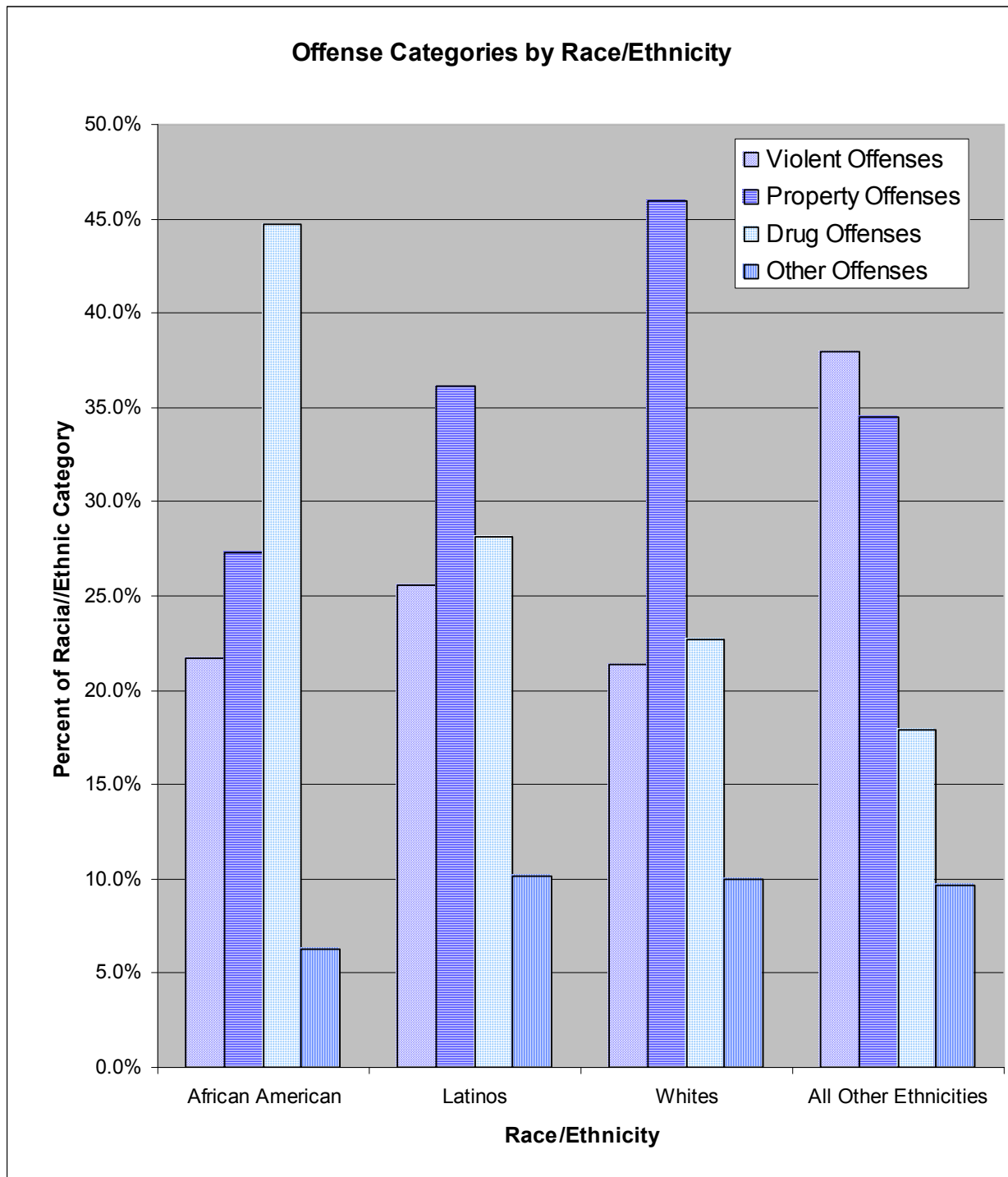
Table 8: Category of Offense Committed, by Ethnicity and Gender in group distribution?

Category of Offense Committed, by Ethnicity and Gender										
	Violent Offenses		Property Offenses		Drug Offenses		Other Offenses		Total Offenses	
Ethnicity/Gender	#	%	#	%	#	%	#	%	#	%
African American	491	14.3%	617	17.9%	1010	29.3%	141	4.1%	2,259	65.6%
Males	464	13.5%	537	15.6%	934	27.1%	134	3.9%	2,069	60.1%
Females	27	0.8%	80	2.3%	76	2.2%	7	0.2%	190	5.5%
Latinos	131	3.8%	185	5.4%	144	4.2%	52	1.5%	512	14.9%
Males	126	3.7%	158	4.6%	132	3.8%	51	1.5%	467	13.6%
Females	5	0.1%	27	0.8%	12	0.3%	1	--	45	1.3%
Whites	113	3.3%	243	7.1%	120	3.5%	53	1.5%	529	15.4%
Males	106	3.1%	201	5.8%	103	3.0%	47	1.4%	457	13.3%
Females	7	0.2%	42	1.2%	17	0.5%	6	0.2%	72	2.1%
All Other Ethnicities	55	1.6%	50	1.5%	26	0.8%	14	0.4%	145	4.2%
Males	54	1.6%	46	1.3%	23	0.7%	14	0.4%	137	4.0%
Females	1	--	4	0.1%	3	0.1%	0	--	8	0.2%
Total for Alameda County	790	22.9%	1,095	31.8%	1,300	37.7%	260	7.5%	3,445	100%
Total Males	750	94.9%	942	86.0%	1,192	91.7%	246	94.6%	3,130	90.9%
Total Females	40	5.1%	153	14.0%	108	8.3%	14	5.4%	315	9.1%

Source: California Department of Corrections & Rehabilitation. Filename: termcase

Note: The source database used for this table contains no specific category for "Latinos." Totals for Mexicans, Salvadorans, Cubans and Puerto Ricans were combined for this category. In addition, the source database used for this table contains no specific category for "Asian American" or "Pacific Islander." Totals for Chinese, Cambodian, Japanese, Pilipino and Vietnamese parolees were combined for this category.

Chart 8: Offense Categories by Race/Ethnicity



Source: California Department of Corrections and Rehabilitation. Filename: termcase

Note: "Asians & Pacific Islanders" includes people of Cambodian, Chinese, Japanese, Hawaiian, Pilipino, Samoan and Vietnamese descent. "Latinos/Latinas" includes people of Mexican, Salvadoran, Cuban and Puerto Rican descent. "Other" may include Latinos, Asians and Pacific Islander ethnicities not included in these categories.

Table 9: Violent Offenses: Homicides, Robberies, Assaults and Kidnappings Committed, by Ethnicity and Gender

Violent Offenses: Homicides, Robberies, Assaults and Kidnappings Committed in the Last Controlling Case, by Ethnicity and Gender																		
	Murder - 1st		Murder – 2nd		Manslaughter		Vehicular Manslaughter		Robbery		Assault w/ Deadly Weapon		Other Assault/Battery		Kidnapping		Total	
Ethnicity/Gender	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
African Americans	1	0.2%	6	1.5%	38	9.2%	5	1.2%	194	47.1%	77	18.7%	86	20.9%	5	1.2%	412	100%
	1	0.3%	5	1.3%	34	8.8%	4	1.0%	184	47.8%	71	18.4%	81	21.0%	5	1.3%	385	100%
	0	--	1	3.7%	4	14.8%	1	3.7%	10	37.0%	6	22.2%	5	18.5%	0	--	27	100%
Latinos/Latinas	0	--	2	2.0%	6	6.1%	2	2.0%	33	33.3%	38	38.4%	18	18.2%	0	--	99	100%
	0	--	2	2.1%	6	6.4%	2	2.1%	31	33.0%	36	38.3%	17	18.1%	0	--	94	100%
	0	--	0	--	0	--	0	--	2	40.0%	2	40.0%	1	20.0%	0	--	5	100%
Whites	1	1.3%	1	1.3%	6	7.9%	1	1.3%	17	22.4%	23	30.3%	24	31.6%	3	4%	76	100%
	1	1.4%	0	--	5	7.2%	1	1.4%	14	20.3%	23	33.3%	22	31.9%	3	4%	69	100%
	0	--	1	14.3%	1	14.3%	0	--	3	42.9%	0	--	2	28.6%	0	--	7	100%
Other	0	--	1	4.3%	4	17.4%	3	13.0%	3	13.0%	5	21.7%	6	26.1%	1	4%	23	100%
	0	--	1	4.5%	4	18.2%	3	13.6%	3	13.6%	5	22.7%	5	22.7%	1	5%	22	100%
	0	--	0	0.0%	0	--	0	--	0	--	0	--	1	0.0%	0	--	1	--
Asians & Pacific Islanders *	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
	0	--	1	7.1%	3	21.4%	0	--	6	42.9%	3	21.4%	1	7.1%	0	--	14	100%
	0	--	1	7.1%	3	21.4%	0	--	6	42.9%	3	21.4%	1	7.1%	0	--	14	100%
Native Americans	0	--	0	--	0	--	0	--	0	--	0	--	0	0.0%	0	--	0	--
	0	--	0	--	0	--	0	--	1	25%	3	75.0%	0	0.0%	0	--	4	100%
	0	--	0	--	0	--	0	--	1	25%	3	75.0%	0	--	0	--	4	100%
Total for Alameda Co.	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--
	2	0.3%	11	1.8%	57	9.1%	11	1.8%	254	40.4%	149	23.7%	135	21.5%	9	1.4%	628	100%
	2	0.3%	14	2.4%	52	8.8%	10	1.7%	239	40.6%	141	24.0%	126	21.4%	9	1.5%	588	100%
Males	0	--	2	5.0%	5	12.5%	1	2.5%	15	37.5%	8	20.0%	9	22.5%	0	--	40	100%

Source: California Department of Corrections and Rehabilitation. Filename: termcase

Note: "Asians & Pacific Islanders" includes people of Cambodian, Chinese, Japanese, Hawaiian, Filipino, Samoan and Vietnamese descent. "Latinos/Latinas" includes people of Mexican, Salvadoran, Cuban and Puerto Rican descent. "Other" may include Latinos, Asians and Pacific Islander ethnicities not included in these categories.

Table 10: Violent Offenses: Sex Offenses Committed, by Ethnicity and Gender

Violent Offenses: Sex Offenses Committed in the Last Controlling Case, by Ethnicity and Gender															
	Rape			Lewd Act w/ a Child		Oral Copulation		Sodomy		Penetration w/ Object		Other Sex Offenses		Total	
Ethnicity/Gender	#	%		#	%	#	%	#	%	#	%	#	%	#	%
African Americans	20	25.0%		21	26.3%	4	5.0%	1	1.3%	0	0%	34	42.5%	80	100%
	20	25.0%		21	26.3%	4	5.0%	1	1.3%	0	0%	34	42.5%	80	100%
	0	0%		0	0%	0	0%	0	0.0%	0	0%	0	0%	0	-
Latinos	2	6.3%		16	50.0%	2	6.3%	1	3%	1	3.1%	10	31.3%	32	100%
	2	6.3%		16	50.0%	2	6.3%	1	3%	1	3.1%	10	31.3%	32	100%
	0	0.0%		0	0%	0	0%	0	0%	0	0%	0	0%	0	-
Whites	1	2.7%		19	51.4%	4	10.8%	1	2.7%	3	8.1%	9	24.3%	37	100%
	1	2.7%		19	51.4%	4	10.8%	1	2.7%	3	8.1%	9	24.3%	37	100%
	0	0%		0	0%	0	-	0	-	0	-	0	-	0	-
Other	1	33.3%		2	67%	0	-	0	-	0	-	0	-	3	100%
	1	33.3%		2	66.7%	0	-	0	-	0	-	0	-	3	100%
	0	-		0	-	0	-	0	-	0	-	0	-	0	-
Asians & Pacific Islanders	2	22.2%		5	56%	0	-	0	-	0	-	2	22.2%	9	100%
	2	22.2%		5	55.6%	0	-	0	-	0	-	2	22.2%	9	100%
	0	-		0	-	0	-	0	-	0	-	0	-	0	-
Native Americans	0	-		1	100%	0	-	0	-	0	-	0	-	1	100%
	0	-		1	100%	0	-	0	-	0	-	0	-	1	100%
	0	-		0	-	0	-	0	-	0	-	0	-	0	-
Total Males Total Females Total for Alameda Co.	26	16.0%		64	39.5%	10	6.2%	3	1.9%	4	2.5%	55	34.0%	162	100%
	0	-		0	-	0	-	0	-	0	-	0	-	0	-
	26	16.0%		64	39.5%	10	6.2%	3	1.9%	4	2.5%	55	34.0%	162	100%

Source: California Department of Corrections and Rehabilitation. Filename: termcase

Note: "Asians & Pacific Islanders" includes people of Cambodian, Chinese, Japanese, Hawaiian, Pilipino, Samoan and Vietnamese descent. "Latinos/Latinas" includes people of Mexican, Salvadoran, Cuban and Puerto Rican descent. "Other" may include Latinos, Asians and Pacific Islander ethnicities not included in these categories.

Table 11: Property Offenses Committed, by Ethnicity and Gender

Property Offenses Committed in the Last Controlling Case, by Ethnicity and Gender																		
Ethnicity/Gender	Burglary - 1st Degree		Burglary - 2nd Degree		Grand Theft		Petty Theft w/ Prior		Rcv'ing Stolen Property		Vehicle Theft		Forgery/ Fraud		Other Prop. Offenses		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%	#	%
African Americans	75	12.2%	138	22.4%	93	15.1%	132	21.4%	38	6.2%	65	10.5%	67	10.9%	9	1.5%	617	100%
	71	13.2%	126	23.5%	78	14.6%	111	20.7%	34	6.3%	64	11.9%	44	8.2%	8	1.5%	536	100%
	4	4.9%	12	14.8%	15	18.5%	21	25.9%	4	4.9%	1	1.2%	23	28.4%	1	1.2%	81	100%
Latinos	19	10.3%	29	15.8%	24	13.0%	28	15.2%	23	12.5%	39	21.2%	18	9.8%	4	2.2%	184	100%
	19	12.1%	27	17.2%	19	12.1%	21	13.4%	21	13.4%	38	24.2%	9	5.7%	3	1.9%	157	100%
	0	--	2	7.4%	5	18.5%	7	25.9%	2	7.4%	1	3.7%	9	33.3%	1	3.7%	27	100%
Whites	21	8.6%	24	9.9%	21	8.6%	33	13.6%	36	14.8%	71	29.2%	29	11.9%	8	3.3%	243	100%
	20	10.0%	23	11.4%	16	8.0%	25	12.4%	32	15.9%	63	31.3%	15	7.5%	7	3.5%	201	100%
	1	2.4%	1	2.4%	5	11.9%	8	19.0%	4	9.5%	8	19.0%	14	33.3%	1	2.4%	42	100%
Other	1	4.3%	3	13.0%	2	8.7%	7	30.4%	6	26.1%	4	17.4%	2	8.7%	0	0.0%	25	100%
	1	4.3%	3	13.0%	1	4.3%	7	30.4%	5	21.7%	4	17.4%	2	8.7%	0	--	23	100%
	0	--	0	--	1	50.0%	0	--	1	50.0%	0	--	0	--	0	--	2	100%
Asians & Pacific Islanders	3	14.3%	2	9.5%	1	4.8%	0	0.0%	5	23.8%	6	28.6%	2	9.5%	2	9.5%	21	100%
	3	15.8%	2	10.5%	0	--	0	--	4	21.1%	6	31.6%	2	10.5%	2	10.5%	19	100%
	0	--	0	--	1	50.0%	0	--	1	50.0%	0	--	0	--	0	--	2	100%
Native Americans	0	--	0	0.0%	2	40.0%	1	20.0%	1	20.0%	1	20.0%	0	0.0%	0	0.0%	5	100%
	0	--	0	--	2	40.0%	1	20.0%	1	20.0%	1	20.0%	0	0.0%	0	0.0%	5	100%
	0	--	0	--	0	--	0	--	0	--	0	--	0	--	0	--	0	--
Total for Alameda Co.	119	10.9%	196	17.9%	143	13.1%	201	18.4%	109	10.0%	186	17.0%	118	10.8%	23	2.1%	1,095	100%
	114	12.1%	181	19.2%	116	12.3%	165	17.5%	97	10.3%	176	18.7%	72	7.7%	20	2.1%	941	100%
	5	3.2%	15	9.7%	27	17.5%	36	23.4%	12	7.8%	10	6.5%	46	29.9%	3	1.9%	154	100%

Source: California Department of Corrections and Rehabilitation. Filename: termcase

Note: "Asians & Pacific Islanders" includes people of Cambodian, Chinese, Japanese, Hawaiian, Pilipino, Samoan and Vietnamese descent. "Latinos/Latinas" includes people of Mexican, Salvadoran, Cuban and Puerto Rican descent. "Other" may include Latinos, Asians and Pacific Islander ethnicities not included in these categories.

Table 12: Drug Offenses Committed, by Ethnicity and Gender

Ethnicity/Gender	Possession		Possession for Sale		Sales		Manufacturing		Other Drug Offenses		Marijuana Offenses†		Total	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
African Americans	282	27.9%	312	30.9%	245	24.3%	4	0.4%	15	1.5%	152	15.0%	1,010	100%
Males	244	26.1%	294	31.5%	231	24.7%	4	0.4%	15	1.6%	146	15.6%	934	100%
Females	38	50.0%	18	23.7%	14	18.4%	0	0.0%	0	0.0%	6	7.9%	76	100%
Latinos	46	31.9%	79	54.9%	12	8.3%	2	1.4%	1	0.7%	4	2.8%	144	100%
Males	42	31.8%	73	55.3%	11	8.3%	2	1.5%	0	--	4	3.0%	132	100%
Females	4	33.3%	6	50.0%	1	8.3%	0	--	1	8.3%	0	--	12	100%
Whites	45	37.5%	58	48.3%	4	3.3%	10	8.3%	1	0.8%	2	1.7%	120	100%
Males	39	37.9%	48	46.6%	3	2.9%	10	9.7%	1	1.0%	2	1.9%	103	100%
Females	6	35.3%	10	58.8%	1	5.9%	0	--	0	--	0	--	17	100%
Other	6	42.9%	8	57.1%	0	--	0	--	0	--	0	--	14	100%
Males	5	41.7%	7	58.3%	0	--	0	--	0	--	0	--	12	100%
Females	1	50.0%	1	50.0%	0	--	0	--	0	--	0	--	2	100%
Asians & Pacific Islanders *	2	22.2%	6	66.7%	0	--	0	--	1	11.1%	0	--	9	100%
Males	2	25.0%	5	62.5%	0	--	0	--	1	12.5%	0	--	8	100%
Females	0	--	1	100.0%	0	--	0	--	0	--	0	--	1	100%
Native Americans	1	33.3%	1	33.3%	0	--	1	33.3%	0	--	0	--	3	100%
Males	1	33.3%	1	33.3%	0	--	1	33.3%	0	--	0	--	3	100%
Females	0	--	0	--	0	--	0	--	0	--	0	--	0	--
Total for Alameda Co.	382	29.4%	464	35.7%	261	20.1%	17	1.3%	18	1.4%	158	12.2%	1,300	100%
Males	333	27.9%	428	35.9%	245	20.5%	17	1.4%	17	1.4%	153	12.8%	1,193	100%
Females	49	45.4%	36	33.3%	16	14.8%	0	0.0%	1	0.9%	6	5.6%	108	100%

Source: California Department of Corrections and Rehabilitation. Filename: termcase

Note: "Asians & Pacific Islanders" includes people of Cambodian, Chinese, Japanese, Hawaiian, Filipino, Samoan and Vietnamese descent. "Latinos/Latinas" includes people of Mexican, Salvadoran, Cuban and Puerto Rican descent. "Other" may include Latinos, Asians and Pacific Islander ethnicities not included in these categories.

Table 13: Other Types of Offenses Committed, by Ethnicity and Gender

Other Types of Offenses Committed in Last Controlling Case, by Ethnicity and Gender												
Ethnicity/Gender	Other Types of Offenses Committed											
	Escape		DUI		Arson		Possess. of Weapon		Other Offenses		Total	
	#	%	#	%	#	%	#	%	#	%	#	%
African Americans												
Males	3	2.1%	14	9.9%	8	5.7%	79	56.0%	37	26.2%	141	100%
Females	2	1.5%	12	9.0%	8	6.0%	77	57.5%	35	26.1%	134	100%
	1	14.3%	2	28.6%	0	0.0%	2	28.6%	2	28.6%	7	100%
Latinos												
Males	1	1.9%	11	21.2%	1	1.9%	27	51.9%	12	23.1%	52	100%
Females	1	2.0%	10	19.6%	1	2.0%	27	52.9%	12	23.5%	51	100%
	0	-	1	100%	0	-	0	-	0	-	1	100%
Whites												
Males	0	-	17	32.1%	2	3.8%	19	35.8%	15	28.3%	53	100%
Females	0	-	16	34.0%	2	4.3%	17	36.2%	12	25.5%	47	100%
	0	-	1	16.7%	0	0.0%	2	33.3%	3	50.0%	6	100%
Other												
Males	0	-	2	22.2%	0	-	3	33.3%	4	44.4%	9	100%
Females	0	-	2	22.2%	0	-	3	33.3%	4	44.4%	9	100%
	0	-	0	-	0	-	0	-	0	-	0	-
Asians & Pacific Islanders *												
Males	0	-	0	-	0	-	1	33.3%	2	66.7%	3	100%
Females	0	-	0	-	0	-	1	33.3%	2	66.7%	3	100%
	0	-	0	-	0	-	0	-	0	-	0	-
Native Americans												
Males	0	-	2	-	0	-	0	-	0	-	2	100%
Females	0	-	2	-	0	-	0	-	0	-	2	100%
	0	-	0	-	0	-	0	-	0	-	0	-
Total for Alameda Co.												
Males	4	1.5%	46	17.7%	11	4.2%	129	49.6%	70	26.9%	260	100%
Females	3	1.2%	42	17.1%	11	4.5%	125	50.8%	65	26.4%	246	100%
	1	7.1%	4	28.6%	0	0.0%	4	28.6%	5	35.7%	14	100%

Source: California Department of Corrections and Rehabilitation. Filename: termcase

Note: "Asians & Pacific Islanders" includes people of Cambodian, Chinese, Japanese, Hawaiian, Pilipino, Samoan and Vietnamese descent. "Latinos/Latinas" includes people of Mexican, Salvadoran, Cuban and Puerto Rican descent. "Other" may include Latinos, Asians and Pacific Islander ethnicities not included in these categories.

◆ **How many “serious,” “violent,” and “second strike” parolees are under supervision in Alameda County?**

There are 304 parolees deemed “serious” offenders under supervision in Alameda County. “Serious” offenders, convicted of crimes such as burglary of a residence and assault with intent to commit a robbery or rape, represent 8.3% of all parolees in the county. About 12%, or 450 parolees, had committed offenses considered to be “violent.” Violent offenses include murder, robbery of a residence in which a deadly or dangerous weapon was used, rape and other sex offenses. Just over 20% of all parolees under supervision in Alameda County have been ruled to be “serious” or “violent” offenders.” Three out of five of parolees with this designation are African American. (Please see Table 14.)

As of 1 June 2005, 4.6% of all parolees under supervision in Alameda County had committed their “second strike.” Three out of four second strike parolees were African American.

Note: On March 7, 1994, Governor Wilson signed into law AB 971, commonly referred to as the “Three Strikes” criminal sentencing measure. The following November, California voters reaffirmed the measure by overwhelmingly approving Proposition 184, an initiative that was essentially identical to AB 971. The Three Strikes law significantly increases the prison sentences of persons convicted of felonies who have been previously convicted of a “violent” or “serious” felony, and limits the ability of these offenders to receive a punishment other than a prison sentence. Violent and serious felonies are specifically listed in state law.

The “Three Strikes Law” can be found in Penal Code Section 667, and a list of the serious and violent crimes can be found in Penal Code Sections 667.5(c) and 1192.7(c) (See Appendix B).

- Table 14 describes distribution of “serious” and “violent” offenses, as determined by the “Three Strikes Law.”
- Table 15 shows the number of offenses committed by parolees under supervision in Alameda County that count as a “second strike” under the “Three Strikes” law.

Table 14: "Serious" and "Violent" Offenses

"Serious" & "Violent" Offenders by Ethnicity and Gender						
Ethnicity/Gender	Serious		Violent		Total	
	#	%	#	%	#	%
African Americans	174	57.2%	298	66.2%	472	62.6%
Males	166	54.6%	280	62.2%	446	59.2%
Females	8	2.6%	18	4.0%	26	3.4%
Latinos	57	18.8%	67	14.9%	124	16.4%
Males	54	17.8%	65	14.4%	119	15.8%
Females	3	1.0%	2	0.4%	5	0.7%
Whites	48	15.8%	56	12.4%	104	13.8%
Males	47	15.5%	51	11.3%	98	13.0%
Females	1	0.3%	5	1.1%	6	0.8%
Other	14	4.6%	12	2.7%	26	3.4%
Males	14	4.6%	12	2.7%	26	3.4%
Females	0	--	0	--	0	--
Asians & Pacific Islanders *	8	2.6%	15	3.3%	23	3.1%
Males	8	2.6%	15	3.3%	23	3.1%
Females	0	--	0	--	0	--
Native Americans	3	1.0%	2	0.4%	5	0.7%
Males	3	1.0%	2	0.4%	5	0.7%
Females	0	--	0	--	0	--
Total for Alameda Co.	304	100%	450	100%	754	100.0%
% of all Parolees under supervision in Alameda County	8.3%	--	12.4%	--	20.7%	--

Source: California Department of Corrections & Rehabilitation. Filename: termcase

Table 15: Second Strike Status by Ethnicity and Gender

Second Strike Status by Ethnicity and Gender			
Ethnicity/Gender	Number	Percent	% of all AC Parolees
African American	122	76.7%	3.5%
Male	119	74.8%	3.5%
Female	3	1.9%	0.1%
Latino/Latina	19	11.9%	0.6%
Male	19	11.9%	0.6%
Female	0	--	--
White	13	8.2%	0.4%
Male	13	8.2%	0.4%
Female	0	--	--
Other Ethnicities	5	3.1%	0.1%
Male	5	3.1%	0.1%
Female	0	--	--
Total for Alameda County	159	100%	4.6%

Source: California Department of Corrections & Rehabilitation. Filename: termcase

E. PAROLEE SUPERVISION

◆ How were parolees supervised?

Prior to release from CDCR institutions, parolees are assigned to parole units in the area where they intend to reside. In Alameda County, there are seven parole units: two in Berkeley, three in Oakland, and one each in San Leandro and Hayward. (For locations of parole units in Alameda County, please see Appendix B, Table I.) Parolees are also assigned one of four levels of supervision categories (Table 16 and below). Each level of supervision has specific stipulations about the number of times per month parolees must contact their agents. More intensive levels may require that parolees meet additional conditions once released to the community, such as drug testing and sex offender registration.

Once released to the community, parolees are required to maintain regular contact with their parole agents (also called parole officers). Generally restricted from travel outside the state, parolees must also notify their agents of any job or address changes. Furthermore, parolees and their residences may be searched at any time, with neither a warrant nor probable cause. A parolee who fails to adhere to any of the terms of release could be taken back into state custody.

High Control, the most intensive level of supervision, is typically assigned to parolees who were convicted of violent felonies, were known gang members, or were involved in cases of particular interest to the public. If convicted of a sex offense, they must register as sex offenders upon release. **High Service** parolees may have special needs, such as people with severe mental illness. “Second strikers” were also classified as High Service. **Control Service** parolees do not meet the criteria for higher levels of supervision. **Minimum Service**, the lowest level of supervision, is the automatic reclassification for parolees who have satisfactorily completed 180 days of Control Service supervision.

- Table 16 shows Parolees by Levels of Supervision Categories
- Table 17 lists Parolees by Parole Unit and Level of Supervision

Table 16: Parolees by Levels of Supervision Categories

Parolees by Levels of Supervision Categories		
Level	#	%
High Control	395	11%
High Service	498	14%
Control Service	1,955	56%
Minimum Service	591	17%
Missing	23	1%
Total	3,462	100%

Source: California Department of Corrections and Rehabilitation. Filename: parolee05

Note: Not included in this table were parolees assigned to other categories of supervision, such as those committed to state mental facilities upon release and undocumented offenders who were deported upon release.

Table 17: Parolees by Parole Unit and Supervision Level

Parolees by Parole Unit and Supervision Level															
Supervision Level															
	High Control		High Services					Control Services			Minimum Services				Total
Parole Unit	IH?-High Control	HC - High Control	HS - High Service	MD- Mentally disordered	EO- Enhanced Outpatient*	SO-Second Striker*	EO + SO	HR-High Risk Sex Offender	CS-Control Services	PC-Control Services	IC-Control Services	MS- Minimum Supervision	PM- Minimum Supervision	IM- Minimum Services	Unknown
Berkeley 1	0	51	2	0	14	40	0	0	122	101	0	46	9	0	6
Berkeley 2	0	48	3	0	1	37	0	26	101	101	0	76	17	0	6
Hayward	0	73	3	0	5	62	0	0	493	13	0	94	3	0	0
Oakland 1	1	57	5	0	0	45	6	30	197	55	0	64	1	0	1
Oakland 2	0	31	4	0	7	67	0	0	292	76	0	83	8	0	2
Oakland 3	0	79	6	0	5	52	0	0	150	50	0	77	11	0	2
San Leandro	0	55	16	0	2	30	0	30	124	80	0	69	33	0	6
Total	1	394	39	0	34	333	6	86	1,479	476	0	509	82	0	23
															3,462

Source: California Department of Corrections & Rehabilitation. Filename: parole05

◆ **How many parolees were assigned to each parole unit in Alameda County?**

The number of parolees assigned to the seven parole units in Alameda County varies according to location. In general, parole cases are distributed more-or-less evenly, with each unit office taking 11% to 16% of the total caseload for the County. The notable exception is the Hayward parole unit office, which handles 22% of all parolees under supervision in Alameda County. Parole unit office locations can be found in Table III in Appendix A.

- Table 17 lists the number of parolees assigned to each of the seven parole units in the County.

Table 17: Parolees by Parole Unit

Parolees by Parole Unit		
Parole Unit	#	%
Berkeley 1	391	11%
Berkeley 2	416	12%
Hayward	746	22%
Oakland 1	462	13%
Oakland 2	570	16%
Oakland 3	432	12%
San Leandro	445	13%
Total	3,462	100%

Source: California Department of Corrections. Filename: parole05

◆ **What were the demographics for each of the parole units in the county?**

The demography of Alameda County parole units tended to mirror that of the county's parolee population. The vast majority of parolees assigned to units in Berkeley and Oakland were African Americans, representing 70% or more of the caseload (Chart 18). The notable exception is the Hayward unit, where over 70% of the caseload was comprised of Latinos and Whites.

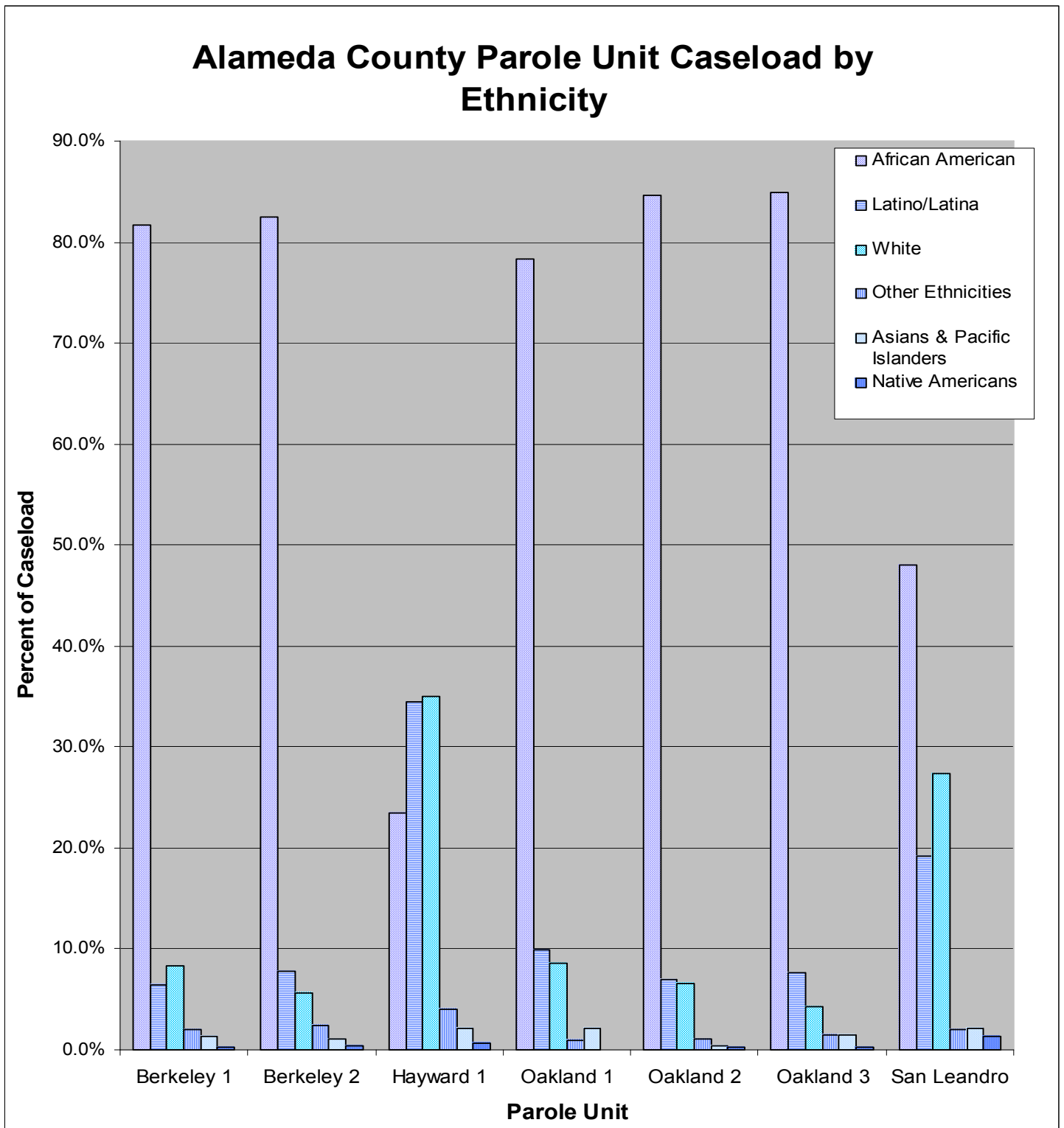
- Table 18 describes the gender and ethnic composition of parolees by parole unit.
- Chart 18 displays the gender and ethnic composition of parole unit caseloads by percentages.

Table 18: Parolees by Parole Unit, Gender and Ethnicity

Parole Unit Caseload, by Ethnicity and Gender								
Ethnicity/Gender	Parole Unit							Total
	Berkeley 1	Berkeley 2	Hayward 1	Oakland 1	Oakland 2	Oakland 3	San Leandro	
African American	366	369	167	408	375	356	221	2,262
Male	335	338	155	363	347	334	200	2,072
Female	31	31	12	45	28	22	21	190
Latino/Latina	29	35	245	52	31	32	88	512
Male	27	34	219	50	30	32	75	467
Female	2	1	26	2	1	0	13	45
White	37	25	249	45	29	18	126	529
Male	33	20	218	38	20	16	112	457
Female	4	5	31	7	9	2	14	72
Other Ethnicities	9	11	29	5	5	6	9	74
Male	9	11	25	5	5	6	8	69
Female	0	0	4	0	0	0	1	5
Asians & Pacific Islanders	6	5	15	11	2	6	10	55
Male	6	5	12	11	2	6	10	52
Female	0	0	3	0	0	0	0	3
Native Americans	1	2	5	0	1	1	6	16
Male	1	2	5	0	1	1	6	16
Female	0	0	0	0	0	0	0	-
Total for Alameda County Parole Units	448	447	710	521	443	419	460	3,448

Source: California Department of Corrections. Filename: parole05

Chart 4: Alameda County Parole Unit Caseload by Ethnicity



Source: California Department of Corrections. Filename: parole05

PART II: ALAMEDA COUNTY ADULTS ON PROBATION

◆ How many adults were under supervision of the Alameda County Probation Department?

In Alameda County, there were **17,663 adult** probationers as of 1 June 2005.

◆ Where do probationers live in Alameda County?

Nearly half (46% or 8,125 of 17,663) of the adult probationers lived in Oakland. Another 20% lived in San Leandro, Hayward and the unincorporated areas of Ashland and Cherryland combined (Table 25).

- Table 25 lists parolee populations and percentages by city.
- Map 2 shows parolee populations in Alameda County by city.

Is the following map correct; these seem to be zip codes and not cities

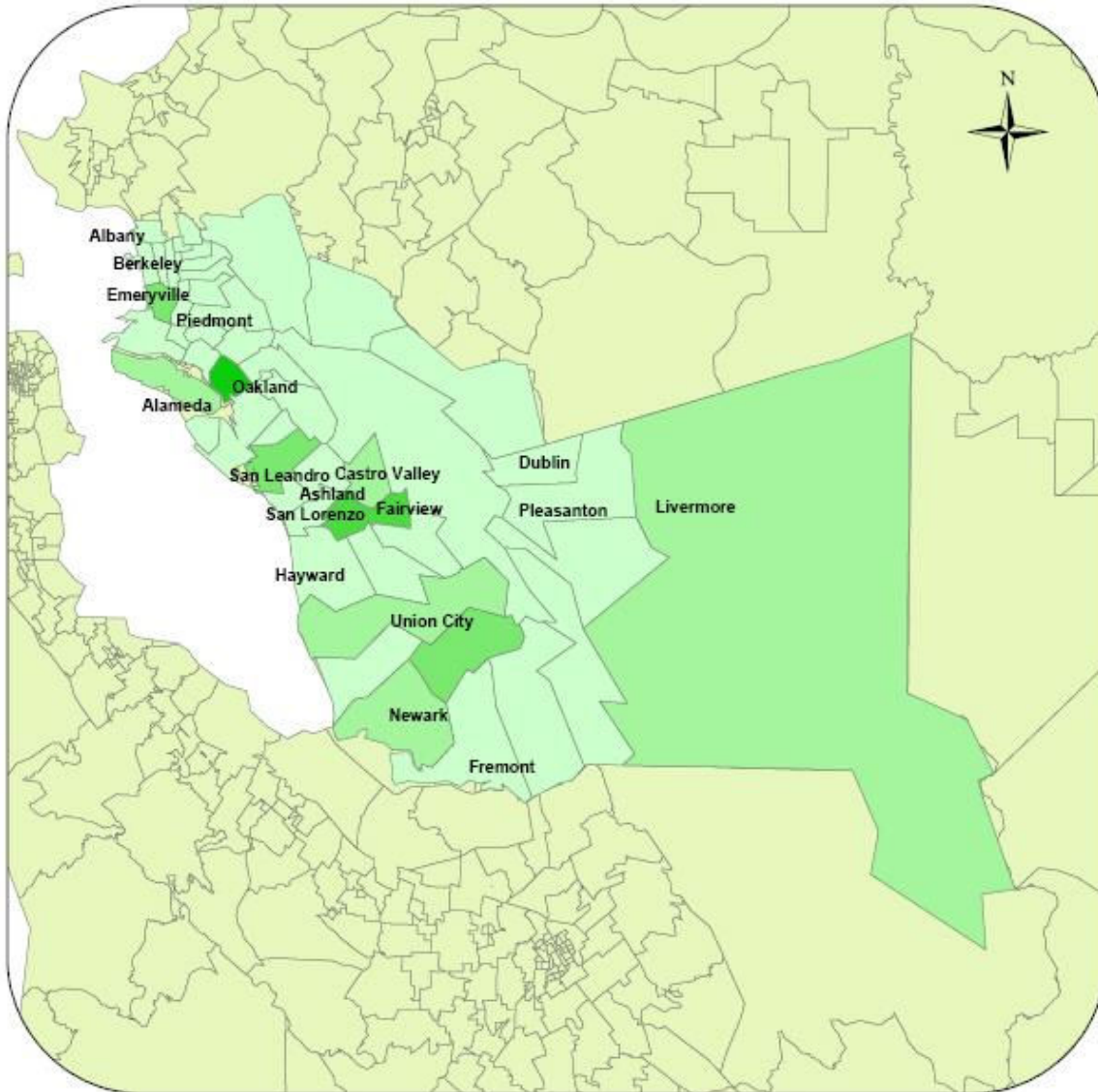
Table 25: Adult Probationers by City

Adult Probationers by City		
City	#	%
Oakland	8,125	46%
Hayward	2,296	13%
Fremont	1,413	8%
San Leandro	1,060	6%
Berkeley	883	5%
Emeryville	883	5%
Union City	707	4%
Alameda	530	3%
Livermore	530	3%
Castro Valley	353	2%
Newark	353	2%
Pleasanton	177	1%
San Lorenzo	177	1%
Dublin	177	1%
Total for Alameda County	17,663	100%

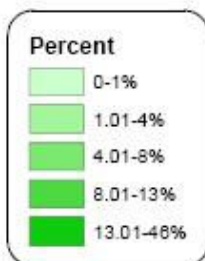
Source: Alameda County Probation Department, *Monthly Statistical Report: A Look into Probation, May 2005*

Map 2: Adult Probationers in Alameda County, by City

Adult Probationers in Alameda County by City/Zip Code



Source: Alameda County Probation Department,
Monthly Statistical Report: A Look into Probation, May 2005.



Produced by the Urban Strategies Council



◆ How were adults on probation in Alameda County supervised?

Prior to release from county detention facilities, adults on probation are assigned to one of four supervision levels (Table 27 and below). Once in the community, adult probationers report to one of five Alameda County Probation Department offices located in Oakland, Hayward, Fremont and Pleasanton.

Terms of probation may vary according to supervision level and the sentencing judge's discretion. In addition, recent budget shortfalls have reduced the availability of some mandated services and programs. In general, however, probationers are restricted from possessing weapons and controlled substances, and may be subject to search at any time with or without probable cause.

- **Maximum Supervision, the most intensive level of supervision:** Assigned to offenders who were convicted of felonies, such as assault with a deadly weapon, driving under the influence, burglary, and possession of firearms. However, due to budget cuts, probationers assigned to Maximum Supervision were currently not actively supervised and only receive services as needed. When funding was restored, these cases will be the first to return to active supervision status.
- **Proposition 36:** In November 2000, California voters approved Proposition 36, also called the Substance Abuse and Crime Prevention Act of 2000. This measure changes state law so that eligible first- and second-time adult offenders who use or possess illegal drugs will receive drug treatment and intensive supervision in the community, rather than being sent to county jail or state prison.
- **Active Supervision:** General Supervision cases include probationers who have committed sex offenses, and “serious” and “violent” crimes, as described by the “Three Strikes” law. Actively supervised probationers also include participants in the Mentor Diversion for young adult offenders. For a breakdown of adults assigned to Active Supervision, please see Table 27a.
- **Minimum/Medium:** Offenders assigned to this level were not actively supervised and receive services as needed.

Table 27: Adult Probationers by Level of Supervision

Probationers by Level of Supervision		
	#	%
Maximum Supervision	2,130	12%
Active Supervision	2,208	13%
Prop. 36	1,616	9%
Minimum/Medium Supervision	11,709	66%
Total Probationers	17,663	100%

Source: Alameda County Probation Department, *Monthly Statistical Report: A Look into Probation, May 2005*

Table: 27a: Actively Supervised Adult Probation Cases

Actively Supervised Adult Probation Cases		
Supervision Type	#	%
General Supervision	1,519	68%
Domestic Violence	213	10%
Sex Offenders	164	7%
Mentor Diversion Program	129	6%
Taskforce	124	6%
High Risk	59	3%
Total	2,208	100%

Source: Alameda County Probation Department, *Monthly Statistical Report: A Look into Probation, May 2005*

Pending the receipt of additional data from the Alameda County Probation Department, the following questions will be addressed:

- ◆? What are the demographic characteristics of adult probationers under supervision in Alameda County?
- ◆? What is the racial/ethnic composition of adult probationers in Alameda County?
- ◆? What is the age range and distribution of adult probationers in Alameda County?
- ◆? What kinds of offenses did adult probationers commit?
- ◆? How many adult probationers have been deemed “serious,” “violent,” or “Second Strike” offenders?

PART III: JUVENILE PROBATIONERS UNDER SUPERVISION IN ALAMEDA COUNTY

◆ How many juvenile probationers are under supervision in Alameda County?

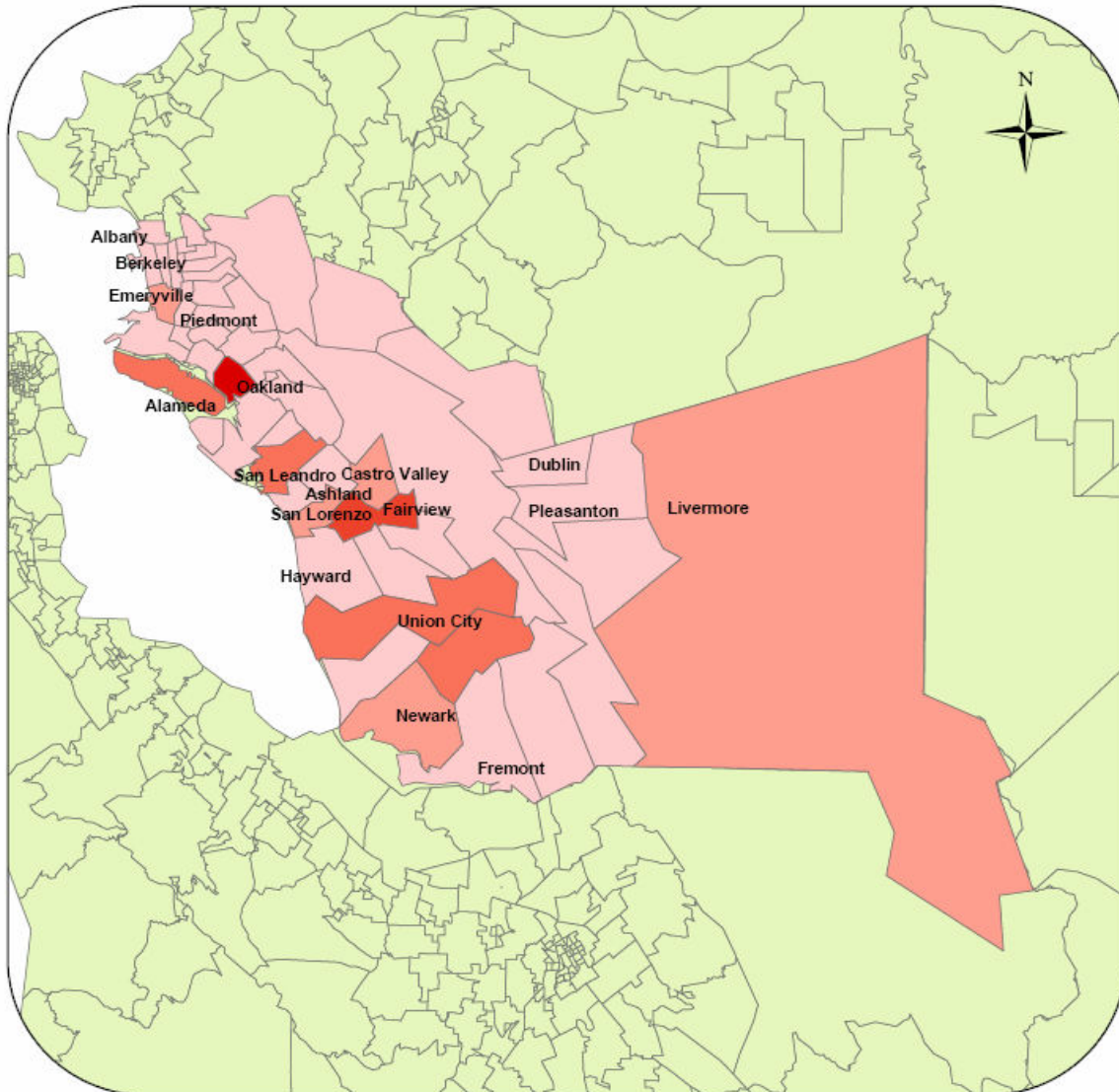
◆ Where do juvenile probationers live in Alameda County?

Like adult probationers under supervision in Alameda County, almost half (46%) of young offenders on probation live in Oakland. Another 19% live in San Leandro, Ashland, Cherryland and Hayward combined (Table 28).

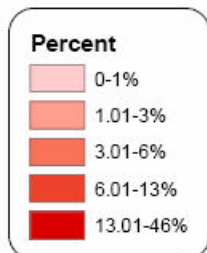
- Map 3 shows juvenile probationer populations in Alameda County by city.
- Table 28 lists the number and percent of juvenile probationer populations in Alameda County by city.

Map 3: Juvenile Probationers by City/Zip Code

Juvenile Probationers in Alameda County by City/Zip Code



Source: Alameda County Probation Department,
Monthly Statistical Report: A Look into Probation, May 2005.



Produced by the Urban Strategies Council



Table 28: Juvenile Probationers by City

Juvenile Probationers by City		
City	#	%
Alameda	71	4%
Berkeley	71	4%
Castro Valley	36	2%
Dublin	18	1%
Emeryville/Oakland	54	3%
Fremont	107	6%
Hayward	232	13%
Livermore	54	3%
Newark	54	3%
Oakland	821	46%
Pleasanton	18	1%
San Leandro	107	6%
San Lorenzo	36	2%
Union City	89	5%
Total	1,766	99%

Source: Alameda County Probation Department, *Monthly Statistical Report: A Look into Probation, May 2005*

◆ How are juvenile probationers supervised in Alameda County?

Once adjudicated but prior to release from custody, juvenile probationers are assigned to a probation officer and a level of supervision (Table 22). Terms of probation may vary according to supervision level and at the discretion of the juvenile court judge. In general, juvenile probationers agree to attend school regularly, observe curfews and refrain from unlawful activities. They may also be required to attend counseling, substance abuse treatment or perform community service.

- Table 29 lists juvenile probationers in Alameda County by supervision level.

Table 29: Juvenile Probationers by Supervision Level

Table 22: Juvenile Probationers by Supervision Level		
Supervision Level	#	%
Formal Supervision	660	37%
Community Probation:	423	24%
Boys' Programs	336	19%
Girls' Programs	87	5%
Informal Supervision	232	13%
Out of Home Placement	213	12%
Family Preservation	103	6%
High Risk	53	3%
Truancy	50	3%
Auto Theft	50	3%
Total	1,784	100%

Source: Alameda County Probation Department, *Monthly Statistical Report: A Look into Probation, May 2005*

Pending the receipt of additional data from the Alameda County Probation Department, the following questions will be addressed:

- ❖ What are the demographic characteristics of juvenile probationers under supervision in Alameda County?
- ❖ What is the racial/ethnic composition of juvenile probationers in Alameda County?
- ❖ What is the age range and distribution of juvenile probationers in Alameda County?
- ❖ What kinds of offenses did juvenile probationers commit?

PART IV: DEPARTMENT OF JUVENILE JUSTICE PAROLEES UNDER SUPERVISION IN ALAMEDA COUNTY

Formerly the called the California Youth Authority, the Department of Juvenile Justice (DJJ) maintains custody of juvenile offenders adjudicated to its institutions, and supervises parolees from these institutions. DJJ institutions typically house youthful offenders up to the age of 21; however, under some circumstances, a young person up to age 25 may remain in DJJ custody.

Under certain circumstances, DJJ institutions house CDCR offenders; in these cases, these young adult parolees remain under supervision of DJJ for the term of their parole.

◆ How many DJJ parolees are under supervision in Alameda County?

There are **259** DJJ parolees under supervision in Alameda County.

Pending the receipt of additional data from the Department of Juvenile Justice, the following questions will be addressed:

- ◆ ?** What are the demographic characteristics of DJJ parolees under supervision in Alameda County?
- ◆ ?** What is the racial/ethnic composition of DJJ parolees in Alameda County?
- ◆ ?** What is the age range and distribution of DJJ parolees in Alameda County?
- ◆ ?** What kinds of offenses did DJJ parolees commit?

APPENDIX A

Table I: California Counties with the Greatest Parolee Population

California Counties with the Greatest Parolee Population, As of 1 June 2005			
Rank	County	#	% Total
1	Los Angeles	27,132	24.2%
2	San Bernardino	7,376	6.6%
3	San Diego	6,542	5.8%
4	Orange	5,241	4.7%
5	Sacramento	3,806	3.4%
6	Santa Clara	3,794	3.4%
7	Fresno	3,728	3.3%
8	Kern	3,682	3.3%
9	Alameda	3,462	3.1%
10	San Joaquin	2,032	1.8%
	CA Parolees Total	112,330	100%

Source: California Department of Corrections & Rehabilitation

Table II: Parolees per 1,000 Residents in Selected California Counties

Parolees per 1000 Residents in Selected California Counties, As of 1 June 2005		
County	Total Population	Parolees per 1000 Residents
Kern	734,846	5.01
Fresno	866,772	4.30
San Bernardino	1,921,131	3.84
San Joaquin	649,868	3.13
Sacramento	1,352,445	2.81
Los Angeles	9,937,739	2.73
Alameda	1,455,235	2.38
Santa Clara	1,685,188	2.25
San Diego	2,931,714	2.23
Orange	2,987,591	1.75
California	35,893,799	3.13

Source: US Census 2004 Population Projections; California Department of Corrections & Rehabilitation (Filename: parolee05).

Table III: US Counties with the Greatest Population of Releasees, 2001

US Counties with Greatest Population of Releasees, 2001				
Rank	County	State	# Released	% of Total
1	Los Angeles	CA	37,080	6.3%
2	Cook	IL	17,480	3.0%
3	San Bernardino	CA	10,183	1.7%
4	San Diego	CA	9,557	1.6%
5	Harris	TX	8,794	1.5%
6	Orange	CA	8,178	1.4%
7	Riverside	CA	7,170	1.2%
8	New York	NY	7,006	1.2%
9	Alameda	CA	6,453	1.1%
10	Dallas	TX	5,802	1.0%
Total Released Nationwide, 2001			591,837	100%

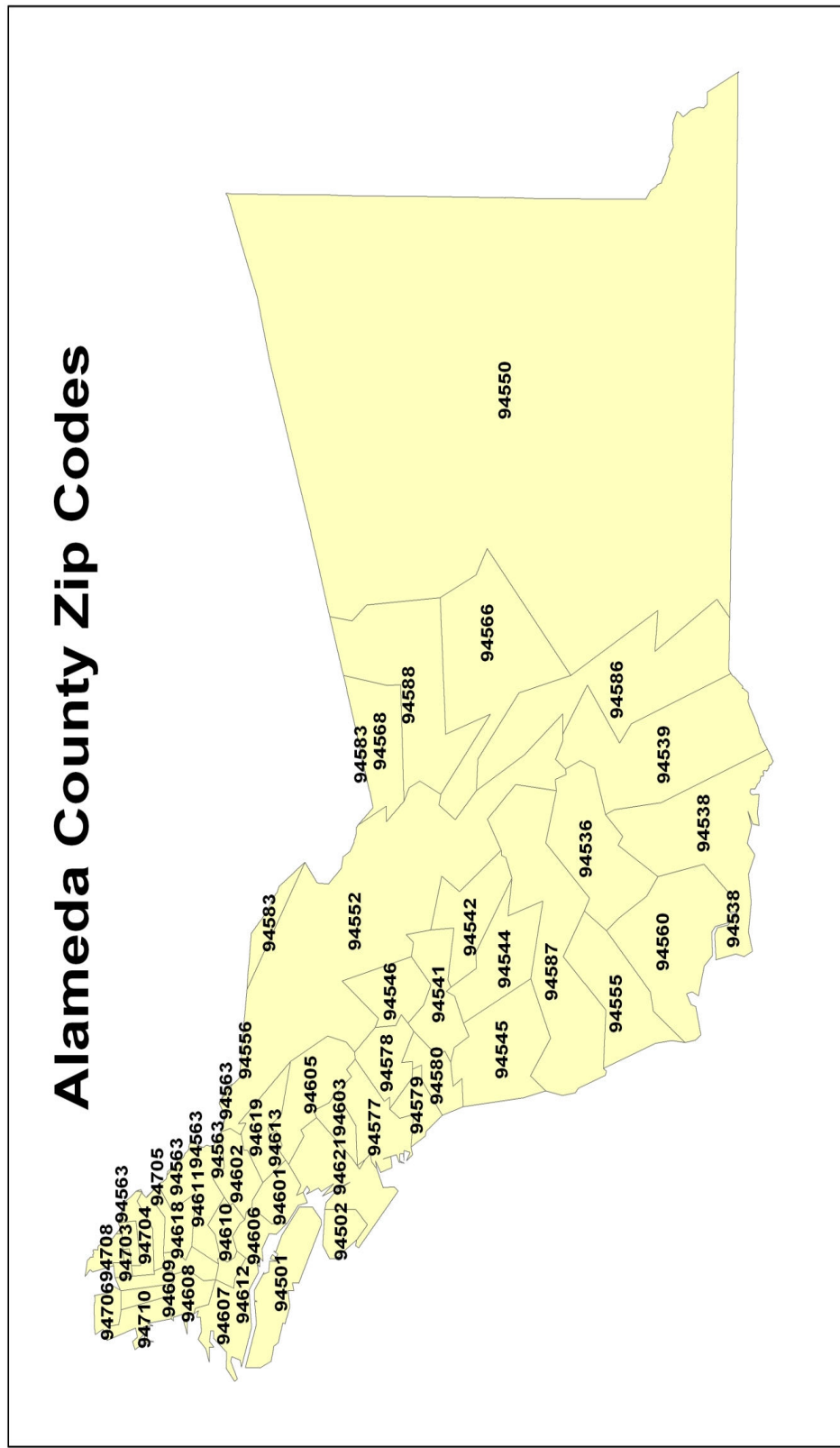
Note: These figures include all persons released unconditionally and conditionally (i.e. on parole) from federal and state prisons, and people released from jails.

Source: Bureau of Justice Statistics. 2001. "Reentry trends in the U.S."

Table IV: Alameda County Population by Gender and Race/Ethnicity

Alameda County Population by Gender and Race/Ethnicity	
Total Population	1,443,741
Gender	
Male	709,300
Female	734,441
Race	
White	48.8%
African American	14.9%
American Eskimo, Native American	0.6%
Asian	20.4%
Pacific Islander	0.6%
Other	8.9%
Multiracial	5.6%
Ethnicity	
Latino/a or Hispanic	19.0%

Map I: Alameda County Zip Codes



APPENDIX B

Table I: Parole Unit Offices in Alameda County

Parole Unit Offices In Alameda County	
Parole Unit(s)	Address & Telephone
Berkeley 1, Berkeley 2	1950 University Avenue, Suite 100 Berkeley, CA 94704 (510) 883-6664
Hayward	3524 Breakwater Avenue Hayward, CA 94545 (510) 785-0233
Oakland 1, Oakland 2, Oakland 3	7717 Edgewater Drive, Suite 200 Oakland, CA 94621-7717 (510) 577-2407
San Leandro	7850 Edgewater Drive, Suite 100 Oakland, CA 94621 (510) 577-2000

Table II: Alameda County Adult Probation Offices

Alameda County Adult Probation Offices	
Probation Center 400 Broadway Oakland, CA 94607 (510) 268-7050	Eastmont Mall 7200 Bancroft Ave., Suite 270 Oakland, CA 94605 (510) 577-5669
Hayward Office 24085 Amador St., 4 th Floor Hayward, CA 94544 (510) 670-5354	Fremont Office 3155 Kearney St., Suite 100 Fremont, CA 94538 Telephone: (510) 795-2550
Pleasanton Office 5672 Stoneridge Dr. Pleasanton, CA 94588 Telephone: (925) 551-6878	Las Vista Training Center 2300 Fairmont Dr. San Leandro, CA 94578 Telephone: (510) 667-3182

Table III: Additional Information on Parolees, Adult Probationers and DJJ parolees

Agency Name	Website	Address & Telephone
California Department of Corrections & Rehabilitation	http://www.corr.ca.gov/	1515 S Street, Suite 502 Sacramento, CA 95814 (916) 323-6001
Alameda County Department of Probation	http://www.acgov.org/probation/	400 Broadway P.O. Box 2059 Oakland, CA 94604-2059 510-268-7050
CDCR, Department of Juvenile Justice (formerly CYA)	http://www.corr.ca.gov/DivisionsBoards/DJJ/index.html	1515 S Street, Suite 502 Sacramento, CA 95814 (916) 323-2848
United States Bureau of Prisons	http://www.bop.gov/	320 First St., NW Washington, DC 20534
United States Department of Justice, Bureau of Justice Statistics	http://www.ojp.usdoj.gov/bjs/	810 Seventh Street, NW Washington, DC 20531 (202) 307-0765

PENAL CODE §667 – “THREE STRIKES”

667. (a) (1) In compliance with subdivision (b) of Section 1385, any person convicted of a serious felony who previously has been convicted of a serious felony in this state or of any offense committed in another jurisdiction which includes all of the elements of any serious felony, shall receive, in addition to the sentence imposed by the court for the present offense, a five-year enhancement for each such prior conviction on charges brought and tried separately. The terms of the present offense and each enhancement shall run consecutively.

(2) This subdivision shall not be applied when the punishment imposed under other provisions of law would result in a longer term of imprisonment. There is no requirement of prior incarceration or commitment for this subdivision to apply.

(3) The Legislature may increase the length of the enhancement of sentence provided in this subdivision by a statute passed by majority vote of each house thereof.

(4) As used in this subdivision, "serious felony" means a serious felony listed in subdivision (c) of Section 1192.7.

(5) This subdivision shall not apply to a person convicted of selling, furnishing, administering, or giving, or offering to sell, furnish, administer, or give to a minor any methamphetamine-related drug or any precursors of methamphetamine unless the prior conviction was for a serious felony described in subparagraph (24) of subdivision (c) of Section 1192.7.

(b) It is the intent of the Legislature in enacting subdivisions (b) to (i), inclusive, to ensure longer prison sentences and greater punishment for those who commit a felony and have been previously convicted of serious and/or violent felony offenses.

(c) Notwithstanding any other law, if a defendant has been convicted of a felony and it has been pled and proved that the defendant has one or more prior felony convictions as defined in subdivision (d), the court shall adhere to each of the following:

(1) There shall not be an aggregate term limitation for purposes of consecutive sentencing for any subsequent felony conviction.

(2) Probation for the current offense shall not be granted, nor shall execution or imposition of the sentence be suspended for any prior offense.

(3) The length of time between the prior felony conviction and the current felony conviction shall not affect the imposition of sentence.

(4) There shall not be a commitment to any other facility other than the state prison. Diversion shall not be granted nor shall the

defendant be eligible for commitment to the California Rehabilitation Center as provided in Article 2 (commencing with Section 3050) of Chapter 1 of Division 3 of the Welfare and Institutions Code.

(5) The total amount of credits awarded pursuant to Article 2.5 (commencing with Section 2930) of Chapter 7 of Title 1 of Part 3 shall not exceed one-fifth of the total term of imprisonment imposed and shall not accrue until the defendant is physically placed in the state prison.

(6) If there is a current conviction for more than one felony count not committed on the same occasion, and not arising from the same set of operative facts, the court shall sentence the defendant consecutively on each count pursuant to subdivision (e).

(7) If there is a current conviction for more than one serious or violent felony as described in paragraph (6), the court shall impose the sentence for each conviction consecutive to the sentence for any other conviction for which the defendant may be consecutively sentenced in the manner prescribed by law.

(8) Any sentence imposed pursuant to subdivision (e) will be imposed consecutive to any other sentence which the defendant is already serving, unless otherwise provided by law.

(d) Notwithstanding any other law and for the purposes of subdivisions (b) to (i), inclusive, a prior conviction of a felony shall be defined as:

(1) Any offense defined in subdivision (c) of Section 667.5 as a violent felony or any offense defined in subdivision (c) of Section 1192.7 as a serious felony in this state. The determination of whether a prior conviction is a prior felony conviction for purposes of subdivisions (b) to (i), inclusive, shall be made upon the date of that prior conviction and is not affected by the sentence imposed unless the sentence automatically, upon the initial sentencing, converts the felony to a misdemeanor. None of the following dispositions shall affect the determination that a prior conviction is a prior felony for purposes of subdivisions (b) to (i), inclusive:

(A) The suspension of imposition of judgment or sentence.

(B) The stay of execution of sentence.

(C) The commitment to the State Department of Health Services as a mentally disordered sex offender following a conviction of a felony.

(D) The commitment to the California Rehabilitation Center or any other facility whose function is rehabilitative diversion from the state prison.

(2) A conviction in another jurisdiction for an offense that, if committed in California, is punishable by imprisonment in the state prison. A prior conviction of a particular felony shall include a conviction in another jurisdiction for an offense that includes all

of the elements of the particular felony as defined in subdivision (c) of Section 667.5 or subdivision (c) of Section 1192.7.

(3) A prior juvenile adjudication shall constitute a prior felony conviction for purposes of sentence enhancement if:

(A) The juvenile was 16 years of age or older at the time he or she committed the prior offense.

(B) The prior offense is listed in subdivision (b) of Section 707 of the Welfare and Institutions Code or described in paragraph (1) or (2) as a felony.

(C) The juvenile was found to be a fit and proper subject to be dealt with under the juvenile court law.

(D) The juvenile was adjudged a ward of the juvenile court within the meaning of Section 602 of the Welfare and Institutions Code because the person committed an offense listed in subdivision (b) of Section 707 of the Welfare and Institutions Code.

(e) For purposes of subdivisions (b) to (i), inclusive, and in addition to any other enhancement or punishment provisions which may apply, the following shall apply where a defendant has a prior felony conviction:

(1) If a defendant has one prior felony conviction that has been pled and proved, the determinate term or minimum term for an indeterminate term shall be twice the term otherwise provided as punishment for the current felony conviction.

(2) (A) If a defendant has two or more prior felony convictions as defined in subdivision (d) that have been pled and proved, the term for the current felony conviction shall be an indeterminate term of life imprisonment with a minimum term of the indeterminate sentence calculated as the greater of:

(i) Three times the term otherwise provided as punishment for each current felony conviction subsequent to the two or more prior felony convictions.

(ii) Imprisonment in the state prison for 25 years.

(iii) The term determined by the court pursuant to Section 1170 for the underlying conviction, including any enhancement applicable under Chapter 4.5 (commencing with Section 1170) of Title 7 of Part 2, or any period prescribed by Section 190 or 3046.

(B) The indeterminate term described in subparagraph (A) shall be served consecutive to any other term of imprisonment for which a consecutive term may be imposed by law. Any other term imposed subsequent to any indeterminate term described in subparagraph (A) shall not be merged therein but shall commence at the time the person would otherwise have been released from prison.

(f) (1) Notwithstanding any other law, subdivisions (b) to (i), inclusive, shall be applied in every case in which a defendant has a prior felony conviction as defined in subdivision (d). The prosecuting attorney shall plead and prove each prior felony

conviction except as provided in paragraph (2).

(2) The prosecuting attorney may move to dismiss or strike a prior felony conviction allegation in the furtherance of justice pursuant to Section 1385, or if there is insufficient evidence to prove the prior conviction. If upon the satisfaction of the court that there is insufficient evidence to prove the prior felony conviction, the court may dismiss or strike the allegation.

(g) Prior felony convictions shall not be used in plea bargaining as defined in subdivision (b) of Section 1192.7. The prosecution shall plead and prove all known prior felony convictions and shall not enter into any agreement to strike or seek the dismissal of any prior felony conviction allegation except as provided in paragraph (2) of subdivision (f).

(h) All references to existing statutes in subdivisions (c) to (g), inclusive, are to statutes as they existed on June 30, 1993.

(i) If any provision of subdivisions (b) to (h), inclusive, or the application thereof to any person or circumstance is held invalid, that invalidity shall not affect other provisions or applications of those subdivisions which can be given effect without the invalid provision or application, and to this end the provisions of those subdivisions are severable.

(j) The provisions of this section shall not be amended by the Legislature except by statute passed in each house by rollcall vote entered in the journal, two-thirds of the membership concurring, or by a statute that becomes effective only when approved by the electors.

PENAL CODE § 667.5 – “SERIOUS” AND “VIOLENT” OFFENSES

667.5. Enhancement of prison terms for new offenses because of prior prison terms shall be imposed as follows:

(a) Where one of the new offenses is one of the violent felonies specified in subdivision (c), in addition to and consecutive to any other prison terms therefore, the court shall impose a three-year term for each prior separate prison term served by the defendant where the prior offense was one of the violent felonies specified in subdivision (c). However, no additional term shall be imposed under this subdivision for any prison term served prior to a period of 10 years in which the defendant remained free of both prison custody and the commission of an offense which results in a felony conviction.

(b) Except where subdivision (a) applies, where the new offense is any felony for which a prison sentence is imposed, in addition and consecutive to any other prison terms therefore, the court shall impose a one-year term for each prior separate prison term served for

any felony; provided that no additional term shall be imposed under this subdivision for any prison term served prior to a period of five years in which the defendant remained free of both prison custody and the commission of an offense which results in a felony conviction.

(c) For the purpose of this section, "violent felony" shall mean any of the following:

- (1) Murder or voluntary manslaughter.
- (2) Mayhem.
- (3) Rape as defined in paragraph (2) or (6) of subdivision (a) of Section 261 or paragraph (1) or (4) of subdivision (a) of Section 262.
- (4) Sodomy by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- (5) Oral copulation by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- (6) Lewd acts on a child under the age of 14 years as defined in Section 288.
- (7) Any felony punishable by death or imprisonment in the state prison for life.
- (8) Any felony in which the defendant inflicts great bodily injury on any person other than an accomplice which has been charged and proved as provided for in Section 12022.7 or 12022.9 on or after July 1, 1977, or as specified prior to July 1, 1977, in Sections 213, 264, and 461, or any felony in which the defendant uses a firearm which use has been charged and proved as provided in Section 12022.5 or 12022.55.
- (9) Any robbery.
- (10) Arson, in violation of subdivision (a) or (b) of Section 451.
- (11) The offense defined in subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person.
- (12) Attempted murder.
- (13) A violation of Section 12308, 12309, or 12310.
- (14) Kidnapping.
- (15) Assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220.
- (16) Continuous sexual abuse of a child, in violation of Section 288.5.
- (17) Carjacking, as defined in subdivision (a) of Section 215.
- (18) A violation of Section 264.1.
- (19) Extortion, as defined in Section 518, which would constitute

a felony violation of Section 186.22 of the Penal Code.

(20) Threats to victims or witnesses, as defined in Section 136.1, which would constitute a felony violation of Section 186.22 of the Penal Code.

(21) Any burglary of the first degree, as defined in subdivision (a) of Section 460, wherein it is charged and proved that another person, other than an accomplice, was present in the residence during the commission of the burglary.

(22) Any violation of Section 12022.53.

(23) A violation of subdivision (b) or (c) of Section 11418.

The Legislature finds and declares that these specified crimes merit special consideration when imposing a sentence to display society's condemnation for these extraordinary crimes of violence against the person.

(d) For the purposes of this section, the defendant shall be deemed to remain in prison custody for an offense until the official discharge from custody or until release on parole, whichever first occurs, including any time during which the defendant remains subject to reimprisonment for escape from custody or is reimprisoned on revocation of parole. The additional penalties provided for prior prison terms shall not be imposed unless they are charged and admitted or found true in the action for the new offense.

(e) The additional penalties provided for prior prison terms shall not be imposed for any felony for which the defendant did not serve a prior separate term in state prison.

(f) A prior conviction of a felony shall include a conviction in another jurisdiction for an offense which, if committed in California, is punishable by imprisonment in the state prison if the defendant served one year or more in prison for the offense in the other jurisdiction. A prior conviction of a particular felony shall include a conviction in another jurisdiction for an offense which includes all of the elements of the particular felony as defined under California law if the defendant served one year or more in prison for the offense in the other jurisdiction.

(g) A prior separate prison term for the purposes of this section shall mean a continuous completed period of prison incarceration imposed for the particular offense alone or in combination with concurrent or consecutive sentences for other crimes, including any reimprisonment on revocation of parole which is not accompanied by a new commitment to prison, and including any reimprisonment after an escape from incarceration.

(h) Serving a prison term includes any confinement time in any state prison or federal penal institution as punishment for commission of an offense, including confinement in a hospital or other institution or facility credited as service of prison time in the jurisdiction of the confinement.

(i) For the purposes of this section, a commitment to the State Department of Mental Health as a mentally disordered sex offender following a conviction of a felony, which commitment exceeds one year in duration, shall be deemed a prior prison term.

(j) For the purposes of this section, when a person subject to the custody, control, and discipline of the Director of Corrections is incarcerated at a facility operated by the Department of the Youth Authority, that incarceration shall be deemed to be a term served in state prison.

(k) Notwithstanding subdivisions (d) and (g) or any other provision of law, where one of the new offenses is committed while the defendant is temporarily removed from prison pursuant to Section 2690 or while the defendant is transferred to a community facility pursuant to Section 3416, 6253, or 6263, or while the defendant is on furlough pursuant to Section 6254, the defendant shall be subject to the full enhancements provided for in this section.

This subdivision shall not apply when a full, separate, and consecutive term is imposed pursuant to any other provision of law.

PENAL CODE §1192.7 – “SERIOUS” OFFENSES

(c) As used in this section, "serious felony" means any of the following:

(1) Murder or voluntary manslaughter; (2) mayhem; (3) rape; (4) sodomy by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (5) oral copulation by force, violence, duress, menace, threat of great bodily injury, or fear of immediate and unlawful bodily injury on the victim or another person; (6) lewd or lascivious act on a child under the age of 14 years; (7) any felony punishable by death or imprisonment in the state prison for life; (8) any felony in which the defendant personally inflicts great bodily injury on any person, other than an accomplice, or any felony in which the defendant personally uses a firearm; (9) attempted murder; (10) assault with intent to commit rape or robbery; (11) assault with a deadly weapon or instrument on a peace officer; (12) assault by a life prisoner on a noninmate; (13) assault with a deadly weapon by an inmate; (14) arson; (15) exploding a destructive device or any explosive with intent to injure; (16) exploding a destructive device or any explosive causing bodily injury, great bodily injury, or mayhem; (17) exploding a destructive device or any explosive with intent to murder; (18) any burglary of the first degree; (19) robbery or bank robbery; (20) kidnapping; (21) holding of a hostage by a person confined in a state prison; (22) attempt to commit a felony punishable by death or imprisonment in the state prison for life;

(23) any felony in which the defendant personally used a dangerous or deadly weapon; (24) selling, furnishing, administering, giving, or offering to sell, furnish, administer, or give to a minor any heroin, cocaine, phencyclidine (PCP), or any methamphetamine-related drug, as described in paragraph (2) of subdivision (d) of Section 11055 of the Health and Safety Code, or any of the precursors of methamphetamines, as described in subparagraph (A) of paragraph (1) of subdivision (f) of Section 11055 or subdivision (a) of Section 11100 of the Health and Safety Code; (25) any violation of subdivision (a) of Section 289 where the act is accomplished against the victim's will by force, violence, duress, menace, or fear of immediate and unlawful bodily injury on the victim or another person; (26) grand theft involving a firearm; (27) carjacking; (28) any felony offense, which would also constitute a felony violation of Section 186.22; (29) assault with the intent to commit mayhem, rape, sodomy, or oral copulation, in violation of Section 220; (30) throwing acid or flammable substances, in violation of Section 244; (31) assault with a deadly weapon, firearm, machinegun, assault weapon, or semiautomatic firearm or assault on a peace officer or firefighter, in violation of Section 245; (32) assault with a deadly weapon against a public transit employee, custodial officer, or school employee, in violation of Sections 245.2, 245.3, or 245.5; (33) discharge of a firearm at an inhabited dwelling, vehicle, or aircraft, in violation of Section 246; (34) commission of rape or sexual penetration in concert with another person, in violation of Section 264.1; (35) continuous sexual abuse of a child, in violation of Section 288.5; (36) shooting from a vehicle, in violation of subdivision (c) or (d) of Section 12034; (37) intimidation of victims or witnesses, in violation of Section 136.1; (38) criminal threats, in violation of Section 422; (39) any attempt to commit a crime listed in this subdivision other than an assault; (40) any violation of Section 12022.53; (41) a violation of subdivision (b) or (c) of Section 11418; and (42) any conspiracy to commit an offense described in this subdivision.

(d) As used in this section, "bank robbery" means to take or attempt to take, by force or violence, or by intimidation from the person or presence of another any property or money or any other thing of value belonging to, or in the care, custody, control, management, or possession of, any bank, credit union, or any savings and loan association.

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